

## CHAPTER 15

## STRUCTURE OF THE EXECUTIVE BRANCH

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## SUBCHAPTER I

## GENERAL PROVISIONS

**15.001 Declaration of policy.** (1) THREE BRANCHES OF GOVERNMENT. The “republican form of government” guaranteed by the U.S. constitution contemplates the separation of powers within state government among the legislative, the executive and the judicial branches of the government. The legislative branch has the broad objective of determining policies and programs and review of program performance for programs previously authorized, the executive branch carries out the programs and policies and the judicial branch has the responsibility for adjudicating any conflicts which might arise from the interpretation or application of the laws. It is a traditional concept of American government that the 3 branches are to function separately, without intermingling of authority, except as specifically provided by law.

(2) GOALS OF EXECUTIVE BRANCH ORGANIZATION. (a) As the chief administrative officer of the state, the governor should be provided with the administrative facilities and the authority to carry out the functions of the governor’s office efficiently and effectively within the policy limits established by the legislature.

(b) The administrative agencies which comprise the executive branch should be consolidated into a reasonable number of departments and independent agencies consistent with executive capacity to administer effectively at all levels.

(c) The integration of the agencies in the executive branch should be on a functional basis, so that programs can be coordinated.

(d) Each agency in the executive branch should be assigned a name commensurate with the scope of its program responsibilities, and should be integrated into one of the departments or independent agencies of the executive branch as closely as the conflicting goals of administrative integration and responsiveness to the legislature will permit.

(3) GOALS OF CONTINUING REORGANIZATION. Structural reorganization should be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and the coordination of existing programs in response to changing emphasis or public needs, and should be consistent with the following goals:

(a) The organization of state government should assure its responsiveness to popular control. It is the goal of reorganization to improve legislative policy-making capability and to improve

the administrative capability of the executive to carry out these policies.

(b) The organization of state government should facilitate communication between citizens and government. It is the goal of reorganization through coordination of related programs in function-oriented departments to improve public understanding of government programs and policies and to improve the relationships between citizens and administrative agencies.

(c) The organization of state government shall assure efficient and effective administration of the policies established by the legislature. It is the goal of reorganization to promote efficiency by improving the management and coordination of state services and by eliminating overlapping activities.

**History:** 1991 a. 316.

### 15.01 Definitions. In this chapter:

(1g) “Affiliated credentialing board” means a part-time body that meets all of the following conditions:

(a) Is attached to an examining board to regulate a profession that does not practice independently of the profession regulated by the examining board or that practices in collaboration with the profession regulated by the examining board.

(b) With the advice of the examining board to which it is attached, sets standards of professional competence and conduct for the profession under the affiliated credentialing board’s supervision, reviews the qualifications of prospective new practitioners, grants credentials, takes disciplinary action against credential holders and performs other functions assigned to it by law.

(1r) “Board” means a part-time body functioning as the policy-making unit for a department or independent agency or a part-time body with policy-making or quasi-judicial powers.

(2) “Commission” means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the Wisconsin waterways commission which shall consist of 5 members and the parole commission which shall consist of 8 members. A Wisconsin group created for participation in a continuing interstate body, or the interstate body itself, shall be known as a “commission”, but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be known as a “commission”, but is not a commission for purposes of s. 15.06.

(3) “Committee” means a part-time body appointed to study a specific problem and to recommend a solution or policy alternative with respect to that problem, and intended to terminate on the completion of its assignment. Because of their temporary nature, committees shall be created by session law rather than by statute.

(4) “Council” means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee River revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24, and the electronic recording council has the powers and duties specified in s. 706.25 (4).

(5) “Department” means the principal administrative agency within the executive branch of Wisconsin state government, but does not include the independent agencies under subch. III.

(6) “Division,” “bureau,” “section” and “unit” means the subunits of a department or an independent agency, whether specifically created by law or created by the head of the department or the independent agency for the more economic and efficient administration and operation of the programs assigned to the department or independent agency. The office of justice assistance in the department of administration and the office of credit unions in the department of financial institutions have the meaning of “division” under this subsection. The office of the long-term care ombudsman under the board on aging and long-term

care and the office of educational accountability in the department of public instruction have the meaning of “bureau” under this subsection.

(7) “Examining board” means a part-time body which sets standards of professional competence and conduct for the profession under its supervision, prepares, conducts and grades the examinations of prospective new practitioners, grants licenses, investigates complaints of alleged unprofessional conduct and performs other functions assigned to it by law. “Examining board” includes the board of nursing.

(8) “Head”, in relation to a department, means the constitutional officer, commission, secretary or board in charge of the department. “Head”, in relation to an independent agency, means the commission, commissioner or board in charge of the independent agency.

(9) “Independent agency” means an administrative agency within the executive branch created under subch. III.

**History:** 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237; 2001 a. 16, 105, 109; 2005 a. 25, 421; 2007 a. 20; 2009 a. 28; 2011 a. 32, 38.

### 15.02 Offices, departments and independent agencies.

The constitutional offices, administrative departments and independent agencies which comprise the executive branch of Wisconsin state government are structured as follows:

(1) **SEPARATE CONSTITUTIONAL OFFICES.** The governor, lieutenant governor, secretary of state and state treasurer each head a staff to be termed the “office” of the respective constitutional officer.

(2) **PRINCIPAL ADMINISTRATIVE UNITS.** The principal administrative unit of the executive branch is a “department” or an “independent agency”. Each such unit shall bear a title beginning with the words “State of Wisconsin” and continuing with “department of...” or with the name of the independent agency. A department may be headed by a constitutional officer, a secretary, a commission or a board. An independent agency may be headed by a commission, a commissioner or a board.

(3) **INTERNAL STRUCTURE.** (a) The secretary of each department may, subject to sub. (4), establish the internal structure within the office of secretary so as to best suit the purposes of his or her department. No secretary may authorize the designation of “assistant secretary” as the official position title of any employee of his or her department.

(b) For field operations, departments may establish district or area offices which may cut across divisional lines of responsibility.

(c) For their internal structure, all departments shall adhere to the following standard terms, and independent agencies are encouraged to review their internal structure and to adhere as much as possible to the following standard terms:

1. The principal subunit of the department is the “division”. Each division shall be headed by an “administrator”. The office of justice assistance in the department of administration and the office of credit unions in the department of financial institutions have the meaning of “division” and the executive staff director of the office of justice assistance in the department of administration and the director of credit unions have the meaning of “administrator” under this subdivision.

2. The principal subunit of the division is the “bureau”. Each bureau shall be headed by a “director”. The office of the long-term care ombudsman under the board on aging and long-term care and the office of educational accountability in the department of public instruction have the meaning of “bureau” under this subdivision.

2m. Notwithstanding subds. 1. and 2., the principal subunit of the department of tourism is the “bureau”, which shall be headed by a “director”.

3. If further subdivision is necessary, bureaus may be divided into subunits which shall be known as “sections” and which shall

be headed by “chiefs” and sections may be divided into subunits which shall be known as “units” and which shall be headed by “supervisors”.

(4) **INTERNAL ORGANIZATION AND ALLOCATION OF FUNCTIONS.** The head of each department or independent agency shall, subject to the approval of the governor, establish the internal organization of the department or independent agency and allocate and reallocate duties and functions not assigned by law to an officer or any subunit of the department or independent agency to promote economic and efficient administration and operation of the department or independent agency. The head may delegate and redelegate to any officer or employee of the department or independent agency any function vested by law in the head. The governor may delegate the authority to approve selected organizational changes to the head of any department or independent agency.

**History:** 1971 c. 261; 1973 c. 12; 1975 c. 39; 1977 c. 29; 1979 c. 221; 1987 a. 27, 399; 1993 a. 16, 184, 215, 491; 1995 a. 27 ss. 75, 76, 76c and 9145 (1); 1997 a. 27; 2007 a. 20; 2011 a. 32.

Limits of internal departmental reorganization discussed. 61 Atty. Gen. 306.

**15.03 Attachment for limited purposes.** Any division, office, commission, council or board attached under this section to a department or independent agency or a specified division thereof shall be a distinct unit of that department, independent agency or specified division. Any division, office, commission, council or board so attached shall exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning within the area of program responsibility of the division, office, commission, council or board, independently of the head of the department or independent agency, but budgeting, program coordination and related management functions shall be performed under the direction and supervision of the head of the department or independent agency, except that with respect to the office of the commissioner of railroads, all personnel and biennial budget requests by the office of the commissioner of railroads shall be provided to the department of transportation as required under s. 189.02 (7) and shall be processed and properly forwarded by the public service commission without change except as requested and concurred in by the office of the commissioner of railroads.

**History:** 1981 c. 347; 1983 a. 27; 1993 a. 123; 1999 a. 9.

**15.04 Heads of departments and independent agencies; powers and duties. (1) DUTIES.** Each head of a department or independent agency shall:

(a) *Supervision.* Except as provided in s. 15.03, plan, direct, coordinate and execute the functions vested in the department or independent agency.

(b) *Budget.* Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department or independent agency and each program, subprogram and activity therein.

(c) *Advisory bodies.* In addition to any councils specifically created by law, create and appoint such councils or committees as the operation of the department or independent agency requires. Members of councils and committees created under this general authority shall serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties and, if such reimbursement is made, such reimbursement in the case of an officer or employee of this state who represents an agency as a member of such a council or committee shall be paid by the agency which pays the officer's or employee's salary.

(d) *Biennial report.* On or before October 15 of each odd-numbered year, submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the performance and operations of the department or independent agency during the preceding biennium, and projecting the goals and objectives of the department or independent agency as developed for the program budget report. The secretary of administration may prescribe the format

of the report and may require such other information deemed appropriate. Each department or independent agency shall provide a copy of its biennial report to legislators upon request. Any department or independent agency may issue such additional reports on its findings and recommendations as its operations require. A department or independent agency may, on or before October 15, submit an annual report prepared by it, in place of the biennial report required under this paragraph, if the submission of the annual reports is approved by the secretary of administration.

(e) *Seal.* Have authority to adopt a seal for the department or independent agency.

(f) *Bonds.* Have authority to require that any officer or employee of the department or independent agency give an official bond under ch. 19, if the secretary of administration agrees that the position held by such officer or employee requires bonding.

(g) *Discrimination review.* In order to determine whether there is any arbitrary discrimination on the basis of race, religion, national origin, sex, marital status or sexual orientation as defined in s. 111.32 (13m), examine and assess the statutes under which the head has powers or regulatory responsibilities, the procedures by which those statutes are administered and the rules promulgated under those statutes. If the department or agency head finds any such discrimination, he or she shall take remedial action, including making recommendations to the appropriate executive, legislative or administrative authority.

(i) *Records and forms management program.* Establish and maintain a records and forms management program.

(j) *Records and forms officer.* Appoint a records and forms officer, who shall be responsible for compliance by the department or independent agency with all records and forms management laws and rules and who may prevent any form from being put into use.

(k) *Form numbering and filing system.* Establish a numbering and filing system for forms.

(m) *Notice on forms.* See that each form used by the department or independent agency to seek information from municipalities, counties or the public contains on the first page of the form, or in the instructions for completing the form, a conspicuous notice of the authorization for the form, whether or not completing the form is voluntary, if it is not voluntary, the penalty for failure to respond and whether or not any personally identifiable information, as defined under s. 19.62 (5), requested in the form is likely to be used for purposes other than for which it is originally being collected. This paragraph does not apply to state tax forms.

(2) **DEPUTY.** Each secretary of a department or head of an independent agency under s. 230.08 (2) (L) may appoint a deputy who shall serve at the pleasure of the secretary or agency head outside the classified service. The deputy shall exercise the powers, duties and functions of the secretary or head in the absence of the secretary or head, and shall perform such other duties as the secretary or head prescribes. The adjutant general may appoint 2 deputies as described in s. 321.10 (1) (b) and (c). In this subsection “secretary” includes the attorney general and the state superintendent of public instruction.

(3) **DEPUTY APPROVALS.** Positions for which appointment is made under sub. (2) may be authorized only under s. 16.505.

**History:** 1971 c. 125; 1975 c. 94; 1977 c. 196, 273, 418, 447; 1979 c. 221; 1981 c. 112, 350; 1981 c. 391 s. 210; 1983 a. 27, 524; 1985 a. 29; 1985 a. 180 ss. 2 to 4, 30m; 1985 a. 332; 1987 a. 147 s. 25; 1987 a. 186; 1989 a. 248; 1991 a. 39, 189; 1995 a. 27; 1997 a. 73; 2007 a. 200.

**15.05 Secretaries. (1) SELECTION.** (a) If a department is under the direction and supervision of a secretary, the secretary shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

(b) Except as provided in pars. (c) and (d), if a department is under the direction and supervision of a board, the board shall appoint a secretary to serve at the pleasure of the board outside the



classified service. In such departments, the powers and duties of the board shall be regulatory, advisory and policy-making, and not administrative. All of the administrative powers and duties of the department are vested in the secretary, to be administered by him or her under the direction of the board. The secretary, with the approval of the board, shall promulgate rules for administering the department and performing the duties assigned to the department.

(c) The secretary of natural resources shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

(d) The secretary of agriculture, trade and consumer protection shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

**(1m) SECRETARY OF VETERANS AFFAIRS.** Before making his or her nomination for the secretary of veterans affairs, the governor shall personally consult with the presiding officers of at least 6 Wisconsin veterans organizations.

**(3) EXECUTIVE ASSISTANT.** Each secretary may appoint an executive assistant to serve at his or her pleasure outside the classified service. The executive assistant shall perform duties as the secretary prescribes. In this subsection, “secretary” includes the attorney general, the adjutant general, the director of the technical college system and the state superintendent of public instruction.

**(3m) FIELD DISTRICT OR FIELD AREA DIRECTORS.** Each secretary may appoint a director under the classified service for each district or area office established in his or her department under s. 15.02 (3) (b).

**(4) OFFICIAL OATH.** Each secretary shall take and file the official oath prior to assuming office.

**(5) EXECUTIVE ASSISTANT APPROVALS.** Positions for which appointment is made under sub. (3) may be authorized only under s. 16.505.

**History:** 1973 c. 90; 1977 c. 4, 196; 1985 a. 18; 1985 a. 332 s. 251 (3); 1989 a. 31, 169; 1993 a. 399; 1995 a. 27; 2011 a. 36.

**15.06 Commissions and commissioners. (1) SELECTION OF MEMBERS.** (a) Except as otherwise provided in this subsection, the members of commissions shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 6-year terms expiring on March 1 of the odd-numbered years.

(ag) Members of the Wisconsin waterways commission shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 5-year terms.

(ar) The commissioner of railroads shall be nominated by the governor, and with the advice and consent of the senate appointed, for a 6-year term expiring on March 1 of an odd-numbered year.

(b) The commissioner of insurance shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The governor may remove from office the commissioner of insurance who was appointed for a fixed term before August 1, 1987.

**(2) SELECTION OF OFFICERS.** Each commission may annually elect officers other than a chairperson from among its members as its work requires. Any officer may be reappointed or reelected. At the time of making new nominations to commissions, the governor shall designate a member or nominee of each commission to serve as the commission’s chairperson for a 2-year term expiring on March 1 of the odd-numbered year except that the labor and industry review commission shall elect one of its members to serve as the commission’s chairperson for a 2-year term expiring on March 1 of the odd-numbered year.

**(3) FULL-TIME OFFICES.** (a) A commissioner may not hold any other office or position of profit or pursue any other business or vocation, but shall devote his or her entire time to the duties of his or her office. This paragraph does not apply to:

1. The commissioner of insurance.

3. The members of the Wisconsin waterways commission.

(b) The commissioner of insurance shall not engage in any other occupation, business or activity that is in any way inconsistent with the performance of the duties of the commissioner of insurance, nor shall the commissioner hold any other public office.

**(4) CHAIRPERSON; ADMINISTRATIVE DUTIES.** The administrative duties of each commission shall be vested in its chairperson, to be administered by the chairperson under the statutes and rules of the commission and subject to the policies established by the commission.

**(4m) EXECUTIVE ASSISTANT.** Each commission chairperson under s. 230.08 (2) (m) and each commissioner of the public service commission may appoint an executive assistant to serve at his or her pleasure outside the classified service. The executive assistant shall perform duties as the chairperson or commissioner prescribes.

**(5) FREQUENCY OF MEETINGS; PLACE.** Every commission shall meet on the call of the chairperson or a majority of its members. Every commission shall maintain its offices in Madison, but may meet or hold hearings at such other locations as will best serve the citizens of this state.

**(6) QUORUM.** A majority of the membership of a commission constitutes a quorum to do business, except that vacancies shall not prevent a commission from doing business. This subsection does not apply to the parole commission.

**(7) REPORTS.** Every commission attached to a department shall submit to the head of the department, upon request of that person not more often than annually, a report on the operation of the commission.

**(8) OFFICIAL OATH.** Every commissioner shall take and file the official oath prior to assuming office.

**(9) EXECUTIVE ASSISTANT APPROVALS.** Positions for which appointment is made under sub. (4m) may be authorized only under s. 16.505.

**History:** 1971 c. 193, 307; 1977 c. 29, 196, 274; 1981 c. 347; 1983 a. 27, 371, 410, 538; 1985 a. 29; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 269, 316; 1993 a. 16, 123; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2003 a. 33; 2005, a. 149; 2009 a. 28; 2011 a. 38.

A single member of the personnel commission is empowered to act as the commission when 2 of the 3 commission positions are vacant. 68 Atty. Gen. 323.

A commissioner designated as chairperson of the commission under sub. (2) is not appointed to a new position, and Art. IV, s. 26, precludes a salary increase based on that designation. 76 Atty. Gen. 52.

Sub. (3) (a) prohibits a commissioner from pursuing business interests that would prevent properly fulfilling the duties of the office. 77 Atty. Gen. 36.

**15.07 Boards. (1) SELECTION OF MEMBERS.** (a) If a department or independent agency is under the direction and supervision of a board, the members of the board, other than the members serving on the board because of holding another office or position, shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve for terms prescribed by law, except:

1. Members of the higher educational aids board shall be appointed by the governor without senate confirmation.

2. Members of the government accountability board shall be nominated by the governor, and with the advice and consent of two-thirds of the members of the senate present and voting shall be appointed, to serve for terms prescribed by law.

3. Members of the employee trust funds board appointed or elected under s. 15.16 (1) (a), (b), (d) and (f) shall be appointed or elected as provided in that section.

4. Members of the investment board appointed under s. 15.76 (3) shall be appointed as provided in that section.

5. The members of the educational communications board appointed under s. 15.57 (5) and (7) shall be appointed as provided in that section.

(b) For each board not covered under par. (a), the governor shall appoint the members of the board, other than the members serving on the board because of holding another office or position and except as otherwise provided, for terms prescribed by law

except that all members of the following boards, or all members of the following boards specified in this paragraph, other than the members serving on a board because of holding another office or position, shall be nominated by the governor, and with the advice and consent of the senate appointed, for terms provided by law:

1. Banking review board.
2. College savings program board.
3. Credit union review board.
5. Savings institutions review board.
9. Board on aging and long-term care.
10. Land and water conservation board.
11. Waste facility siting board.
12. Prison industries board.
14. Deferred compensation board.
15. The 3 members of the lower Wisconsin state riverway board appointed under s. 15.445 (3) (b) 7.
- 15m. The members of the state fair park board appointed under s. 15.445 (4) (a) 3. to 5.
17. Real estate appraisers board.
- 18m. Board of veterans affairs.
- 19m. Auctioneer board.
20. The 3 members of the Kickapoo reserve management board appointed under s. 15.445 (2) (b) 3.
23. Cemetery board.

(c) Except as provided under par. (cm), fixed terms of members of boards shall expire on May 1 and, if the term is for an even number of years, shall expire in an odd-numbered year.

(cm) The term of one member of the government accountability board shall expire on each May 1. The terms of the 3 members of the land and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and auction company representative members of the auctioneer board shall expire on May 1 in an even-numbered year. The terms of the members of the cemetery board shall expire on July 1 in an even-numbered year. The term of the student member of the Board of Regents of the University of Wisconsin System who is at least 24 years old shall expire on May 1 of every even-numbered year.

(cs) No member of the auctioneer board, cemetery board, or real estate appraisers board may be an officer, director, or employee of a private organization that promotes or furthers any profession or occupation regulated by that board.

(2) **SELECTION OF OFFICERS.** At its first meeting in each year, every board shall elect a chairperson, vice chairperson and secretary each of whom may be reelected for successive terms, except that:

(a) The chairperson and vice chairperson of the investment board shall be designated biennially by the governor.

(b) The chairperson of the governmental accountability board shall be chosen by lot by the current chairperson of the board at the first meeting of the board in January of each year.

(d) The officers elected by the board of regents of the University of Wisconsin System and the technical college system board shall be known as a president, vice president and secretary.

(e) The representative of the department of justice shall serve as chairperson of the claims board and the representative of the department of administration shall serve as its secretary.

(f) The state superintendent of public instruction or his or her designated representative shall serve as chairperson of the school district boundary appeal board.

(g) A representative of the department of justice designated by the attorney general shall serve as nonvoting secretary to the law enforcement standards board.

(h) The chairperson of the state fair park board shall be designated annually by the governor from among the members appointed under s. 15.445 (4) (a) 3., 4. and 5.

(j) At its first meeting in each even-numbered year, the state capitol and executive residence board shall elect officers for 2-year terms.

(L) The governor shall serve as chairperson of the information technology management board and the secretary of administration or his or her designee shall serve as secretary of that board.

(m) The representative of the department of administration shall serve as chairperson of the incorporation review board.

(n) The member appointed under s. 15.345 (6) (a) shall serve as chairperson of the managed forest land board.

(3) **FREQUENCY OF MEETINGS.** (a) If a department or independent agency is under the direction and supervision of a board, the board shall meet quarterly and may meet at other times on the call of the chairperson or a majority of its members. If a department or independent agency is under the direction and supervision of a board, the board shall, in addition, meet no later than August 31 of each even-numbered year to consider and approve a proposed budget of the department or independent agency for the succeeding fiscal biennium.

(b) Except as provided in par. (bm), each board not covered under par. (a) shall meet annually, and may meet at other times on the call of the chairperson or a majority of its members. The auctioneer board, the cemetery board, and the real estate appraisers board shall also meet on the call of the secretary of safety and professional services or his or her designee within the department.

(bm) 2. The environmental education board shall meet 4 times each year and may meet at other times on the call of the chairperson.

3. The auctioneer board shall meet at least 4 times each year.

4. The information technology management board shall meet at least 4 times each year and may meet at other times on the call of the chairperson.

5. The incorporation review board shall meet on the call of the chairperson or a majority of the board's members.

6. The cemetery board shall meet at least 4 times each year.

(4) **QUORUM.** A majority of the membership of a board constitutes a quorum to do business and, unless a more restrictive provision is adopted by the board, a majority of a quorum may act in any matter within the jurisdiction of the board. This subsection does not apply to actions of the government accountability board or the school district boundary appeal board as provided in ss. 5.05 (1e) and 117.05 (2) (a).

(5) **REIMBURSEMENT FOR EXPENSES; COMPENSATION.** Except as provided in sub. (5m), the members of each board shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, such reimbursement in the case of an officer or employee of this state who represents an agency as a member of a board to be paid by the agency which pays the member's salary. The members shall receive no compensation for their services, except that the following members of boards, except full-time state officers or employees, also shall be paid the per diem stated below for each day on which they were actually and necessarily engaged in the performance of their duties:

(a) Members of the investment board, \$50 per day.

(b) Members of the banking review board, \$25 per day but not to exceed \$1,500 per year.

(c) Members of the auctioneer board, \$25 per day.

(d) Members of the board of agriculture, trade and consumer protection, not exceeding \$35 per day as fixed by the board with the approval of the governor, but not to exceed \$1,000 per year.

(e) In lieu of a per diem, the members of the technical college system board shall receive \$100 annually.

(f) Members of the teachers retirement board, appointive members of the Wisconsin retirement board, appointive members of the group insurance board, members of the deferred compensa-

tion board and members of the employee trust funds board, \$25 per day.

(g) Members of the savings institutions review board, \$10 per day.

(h) Voting members of the land and water conservation board, \$25 per day.

(i) Members of the educational approval board, \$25 per day.

(j) Members of the state fair park board, \$10 per day but not to exceed \$600 per year.

(k) Members of the board for people with developmental disabilities, \$50 per day.

(L) Members of the school district boundary appeal board, \$25 per day.

(m) Members of the government accountability board, a per diem equal to the amount prescribed under s. 753.075 (3) (a) for reserve judges sitting in circuit court.

(o) Members of the burial sites preservation board, \$25 per day.

(s) Members of the credit union review board, \$25 per day but not to exceed \$1,500 per year.

(t) Members of the waste facility siting board who are town or county officials, \$35 per day.

(w) Members of the lower Wisconsin state riverway board, \$25 per day.

(x) Members of the real estate appraisers board, \$25 per day.

(y) Members of the Kickapoo reserve management board, \$25 per day.

(z) Members of the cemetery board, \$25 per day.

**(5m) LIMITATIONS ON SALARY AND EXPENSES.** (b) *Lower Wisconsin state riverway board.* The members, except for the chairperson, of the lower Wisconsin state riverway board shall be reimbursed under sub. (5) for only their necessary and actual travel expenses incurred in the performance of their duties, or shall be paid \$25 plus mileage incurred in the performance of their duties, whichever is greater. The chairperson of the lower Wisconsin state riverway board shall be reimbursed for all his or her actual and necessary expenses incurred in the performance of his or her duties. The lower Wisconsin state riverway board shall determine which expenses of the chairperson are actual and necessary before reimbursement.

(c) *Board for people with developmental disabilities.* A member of the board for people with developmental disabilities shall be reimbursed under sub. (5) (k) only if the member attends a meeting or event of the board and all of the following apply:

1. The member's official duties related to the meeting or event occupy at least 4 hours in one day.

2. Due to the member's official duties related to the meeting or event the member forfeits wages from other employment or the member is not otherwise employed for wages.

**(6) REPORTS.** Every board created in or attached to a department or independent agency shall submit to the head of the department or independent agency, upon request of that person not more often than annually, a report on the operation of the board.

**(7) OFFICIAL OATH.** Each member of a board shall take and file the official oath prior to assuming office.

**History:** 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316; 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316; 1993 a. 16, 75, 102, 184, 349, 399, 490; 1995 a. 27, 216, 247; 1997 a. 27 ss. 43 to 48m, 9456 (3m); 1999 a. 9, 44, 181, 197; 2001 a. 16; 2003 a. 33 ss. 79 to 85, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 41g to 45m, 2493; 2005 a. 76, 228, 253; 2007 a. 1, 20, 97, 109; 2009 a. 28; 2011 a. 10, 32.

"Membership" as used in sub. (4) means the authorized number of positions and not the number of positions that are currently occupied. 66 Atty. Gen. 192.

**15.08 Examining boards and councils.** **(1) SELECTION OF MEMBERS.** All members of examining boards shall be residents of this state and shall, unless otherwise provided by law, be nomi-

nated by the governor, and with the advice and consent of the senate appointed. Appointments shall be for the terms provided by law. Terms shall expire on July 1. No member may serve more than 2 consecutive terms. No member of an examining board may be an officer, director or employee of a private organization which promotes or furthers the profession or occupation regulated by that board.

**(1m) PUBLIC MEMBERS.** (a) Public members appointed under s. 15.405 or 15.407 shall have all the powers and duties of other members except they shall not prepare questions for or grade any licensing examinations.

(am) Public members appointed under s. 15.405 or 15.407 shall not be, nor ever have been, licensed, certified, registered or engaged in any profession or occupation licensed or otherwise regulated by the board, examining board or examining council to which they are appointed, shall not be married to any person so licensed, certified, registered or engaged, and shall not employ, be employed by or be professionally associated with any person so licensed, certified, registered or engaged.

(b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, the physical therapy examining board, perfusionists examining council, respiratory care practitioners examining council and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the marriage and family therapy, professional counseling, and social work examining board, the psychology examining board, and the radiography examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

**NOTE:** Par. (b) is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i).

(c) The membership of each examining board and examining council created in the department of safety and professional services after June 1, 1975, shall be increased by one member who shall be a public member appointed to serve for the same term served by the other members of such examining board or examining council, unless the act relating to the creation of such examining board or examining council provides that 2 or more public members shall be appointed to such examining board or examining council.

**(2) SELECTION OF OFFICERS.** At its first meeting in each year, every examining board shall elect from among its members a chairperson, vice chairperson and, unless otherwise provided by law, a secretary. Any officer may be reelected to succeed himself or herself.

**(3) FREQUENCY OF MEETINGS.** (a) Every examining board shall meet annually and may meet at other times on the call of the chairperson or of a majority of its members.

(b) The medical examining board shall meet at least 12 times annually.

(c) The hearing and speech examining board shall meet at least once every 3 months.

**(4) QUORUM.** (a) A majority of the membership of an examining board constitutes a quorum to do business, and a majority of a quorum may act in any matter within the jurisdiction of the examining board.

(b) Notwithstanding par. (a), no certificate or license which entitles the person certified or licensed to practice a trade or profession shall be suspended or revoked without the affirmative vote of two-thirds of the voting membership of the examining board.

**(5) GENERAL POWERS.** Each examining board:

(a) May compel the attendance of witnesses, administer oaths, take testimony and receive proof concerning all matters within its jurisdiction.

(b) Shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define



and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

(c) May limit, suspend or revoke, or reprimand the holder of, any license, permit or certificate granted by the examining board.

(6) **IMPROVEMENT OF THE PROFESSION.** In addition to any other duties vested in it by law, each examining board shall foster the standards of education or training pertaining to its own trade or profession, not only in relation of the trade or profession to the interest of the individual or to organized business enterprise, but also in relation to government and to the general welfare. Each examining board shall endeavor, both within and outside its own trade or profession, to bring about a better understanding of the relationship of the particular trade or profession to the general welfare of this state.

(7) **COMPENSATION AND REIMBURSEMENT FOR EXPENSES.** Each member of an examining board shall, unless the member is a full-time salaried employee of this state, be paid a per diem of \$25 for each day on which the member was actually and necessarily engaged in the performance of examining board duties. Each member of an examining board shall be reimbursed for the actual and necessary expenses incurred in the performance of examining board duties.

(8) **OFFICIAL OATH.** Every member of an examining board shall take and file the official oath prior to assuming office.

(9) **ANNUAL REPORTS.** Every examining board shall submit to the head of the department in which it is created, upon request of that person not more often than annually, a report on the operation of the examining board.

(10) **SEAL.** Every examining board may adopt a seal.

**History:** 1971 c. 40; 1975 c. 86, 199; 1977 c. 418; 1979 c. 32; 1979 c. 34 ss. 32e to 32s, 2102 (45) (a); 1979 c. 221; 1981 c. 94; 1983 a. 403, 524; 1985 a. 332, 340; 1987 a. 399; 1989 a. 229, 316, 359; 1991 a. 39, 160, 316; 1993 a. 105, 107, 184, 490; 1995 a. 245; 1997 a. 175; 1999 a. 180; 2001 a. 80, 89, 105; 2009 a. 106, 149; 2011 a. 32; s. 13.92 (2) (i).

Selection and terms of officers of regulatory and licensing boards are discussed. 75 Atty. Gen. 247 (1986).

**15.085 Affiliated credentialing boards. (1) SELECTION OF MEMBERS.** All members of affiliated credentialing boards shall be residents of this state and shall, unless otherwise provided by law, be nominated by the governor, and with the advice and consent of the senate appointed. Appointments shall be for the terms provided by law. Terms shall expire on July 1. No member may serve more than 2 consecutive terms. No member of an affiliated credentialing board may be an officer, director or employee of a private organization which promotes or furthers the profession or occupation regulated by that board.

(1m) **PUBLIC MEMBERS.** (a) Public members appointed under s. 15.406 shall have all of the powers and duties of other members except that they shall not prepare questions for or grade any licensing examinations.

(am) Public members appointed under s. 15.406 shall not be, nor ever have been, licensed, certified, registered or engaged in any profession or occupation licensed or otherwise regulated by the affiliated credentialing board to which they are appointed, shall not be married to any person so licensed, certified, registered or engaged, and shall not employ, be employed by or be professionally associated with any person so licensed, certified, registered or engaged.

(b) The public members of the podiatry affiliated credentialing board or occupational therapists affiliated credentialing board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

**NOTE:** Par. (b) is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i).

(2) **SELECTION OF OFFICERS.** At its first meeting in each year, every affiliated credentialing board shall elect from among its members a chairperson, vice chairperson and, unless otherwise provided by law, a secretary. Any officer may be reelected to succeed himself or herself.

(3) **FREQUENCY OF MEETINGS.** (a) Every affiliated credentialing board shall meet annually and may meet at other times on the call of the chairperson or of a majority of its members.

(b) The chairperson of an affiliated credentialing board shall meet at least once every 6 months with the examining board to which the affiliated credentialing board is attached to consider all matters of joint interest.

(4) **QUORUM.** (a) A majority of the membership of an affiliated credentialing board constitutes a quorum to do business, and a majority of a quorum may act in any matter within the jurisdiction of the affiliated credentialing board.

(b) Notwithstanding par. (a), no certificate or license which entitles the person certified or licensed to practice a trade or profession shall be suspended or revoked without the affirmative vote of two-thirds of the membership of the affiliated credentialing board.

(5) **GENERAL POWERS.** Each affiliated credentialing board:

(a) May compel the attendance of witnesses, administer oaths, take testimony and receive proof concerning all matters within its jurisdiction.

(b) Shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. In addition to any other procedure under ch. 227 relating to the promulgation of rules, when promulgating a rule, other than an emergency rule under s. 227.24, an affiliated credentialing board shall do all of the following:

1. Submit the proposed rule to the examining board to which the affiliated credentialing board is attached. The proposed rule shall be submitted under this subdivision at least 60 days before the proposed rule is submitted to the legislative council staff under s. 227.15 (1).

2. Consider any comments on a proposed rule made by the examining board to which the affiliated credentialing board is attached, if the examining board submits the comments to the affiliated credentialing board within 30 days after a public hearing on the proposed rule under s. 227.18 or, if no hearing is held, within 30 days after the proposed rule is published under s. 227.16 (2) (e).

3. Include, in the report submitted to the legislature under s. 227.19 (2), any comments on the proposed rule submitted by the examining board under subd. 2. and the affiliated credentialing board's responses to those comments.

(c) May limit, suspend or revoke, or reprimand the holder of, any license, permit or certificate granted by the affiliated credentialing board.

(6) **IMPROVEMENT OF THE PROFESSION.** In addition to any other duties vested in it by law, each affiliated credentialing board shall foster the standards of education or training pertaining to its own trade or profession, not only in relation of the trade or profession to the interest of the individual or to organized business enterprise, but also in relation to government and to the general welfare. Each affiliated credentialing board shall endeavor, both within and outside its own trade or profession, to bring about a better understanding of the relationship of the particular trade or profession to the general welfare of this state.

(7) **COMPENSATION AND REIMBURSEMENT FOR EXPENSES.** Each member of an affiliated credentialing board shall, unless the member is a full-time salaried employee of this state, be paid a per diem of \$25 for each day on which the member was actually and necessarily engaged in the performance of affiliated credentialing board duties. Each member of an affiliated credentialing board shall be reimbursed for the actual and necessary expenses incurred in the performance of affiliated credentialing board duties.

(8) **OFFICIAL OATH.** Every member of an affiliated credentialing board shall take and file the official oath prior to assuming office.

(9) **ANNUAL REPORTS.** Every affiliated credentialing board shall submit to the head of the department in which it is created, upon request of that person not more often than annually, a report on the operation of the affiliated credentialing board.

(10) **SEAL.** Every affiliated credentialing board may adopt a seal.

**History:** 1993 a. 107; 1997 a. 175; 1999 a. 180; 2009 a. 113, 149; s. 13.92 (2) (i).

**15.09 Councils.** (1) **SELECTION OF MEMBERS.** (a) Unless otherwise provided by law, the governor shall appoint the members of councils for terms prescribed by law. Except as provided in par. (b), fixed terms shall expire on July 1 and shall, if the term is for an even number of years, expire in an odd-numbered year.

(b) The terms of the members of the council on recycling shall expire as specified under s. 15.347 (17) (c).

(2) **SELECTION OF OFFICERS.** Unless otherwise provided by law, at its first meeting in each year every council shall elect a chairperson, vice chairperson and secretary from among its members. Any officer may be reelected for successive terms. For any council created under the general authority of s. 15.04 (1) (c), the constitutional officer or secretary heading the department or the chief executive officer of the independent agency in which such council is created shall designate an employee of the department or independent agency to serve as secretary of the council and to be a voting member thereof.

(3) **LOCATION AND FREQUENCY OF MEETINGS.** Unless otherwise provided by law, every council shall meet at least annually and shall also meet on the call of the head of the department or independent agency in which it is created, and may meet at other times on the call of the chairperson or a majority of its members. A council shall meet at such locations as may be determined by it unless the constitutional officer or secretary heading the department or the chief executive officer of the independent agency in which it is created determines a specific meeting place.

(4) **QUORUM.** Except as otherwise expressly provided, a majority of the membership of a council constitutes a quorum to do business, and a majority of a quorum may act in any matter within the jurisdiction of the council.

(5) **POWERS AND DUTIES.** Unless otherwise provided by law, a council shall advise the head of the department or independent agency in which it is created and shall function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.

(6) **REIMBURSEMENT FOR EXPENSES.** Members of a council shall not be compensated for their services, but, except as otherwise provided in this subsection, members of councils created by statute shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, such reimbursement in the case of an elective or appointive officer or employee of this state who represents an agency as a member of a council to be paid by the agency which pays his or her salary. Members of the mortgage loan originator council under s. 15.187 (1) may not be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Members of the agricultural education and workforce development council may not be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(7) **REPORTS.** Unless a different provision is made by law for transmittal or publication of a report, every council created in a department or independent agency shall submit to the head of the department or independent agency, upon request of that person not more often than annually, a report on the operation of the council.

(8) **OFFICIAL OATH.** Each member of a council shall take and file the official oath prior to assuming office.

**History:** 1971 c. 211; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 34, 346; 1983 a. 27, 388, 410; 1985 a. 84; 1989 a. 335; 1991 a. 39, 189; 1993 a. 184; 2003 a. 260; 2007 a. 223; 2009 a. 2.

## SUBCHAPTER II

### DEPARTMENTS

**15.10 Department of administration; creation.** There is created a department of administration under the direction and supervision of the secretary of administration. The secretary of administration shall be appointed on the basis of recognized interest, administrative and executive ability, training and experience in and knowledge of problems and needs in the field of general administration.

**15.103 Same; specified divisions.** (1) **DIVISION OF HEARINGS AND APPEALS.** There is created a division of hearings and appeals which is attached to the department of administration under s. 15.03. The administrator of the division shall be appointed by the secretary of administration in the classified service.

(1g) **DIVISION OF LEGAL SERVICES.** There is created in the department of administration a division of legal services.

(1m) **DIVISION OF GAMING.** There is created in the department of administration a division of gaming.

(4) **DIVISION OF TRUST LANDS AND INVESTMENTS.** There is created a division of trust lands and investments which is attached to the department of administration under s. 15.03. This division is under the direction and supervision of the board of commissioners of public lands.

(5) **DIVISION OF ENTERPRISE TECHNOLOGY.** There is created in the department of administration a division of enterprise technology.

**History:** 1977 c. 170, 418; 1979 c. 361 s. 15; 1981 c. 121; 1983 a. 27; 1989 a. 31, 107; 1991 a. 39; 1993 a. 16 s. 55m; 1995 a. 27; 1997 a. 27 ss. 26, 49; 2001 a. 16; 2003 a. 33; 2009 a. 28; 2011 a. 32.

**15.105 Same; attached boards, commissions, and offices.** (1) **TAX APPEALS COMMISSION.** There is created a tax appeals commission which is attached to the department of administration under s. 15.03. Members shall be appointed solely on the basis of fitness to perform the duties of their office, and shall be experienced in tax matters. The commission shall meet at the call of the chairperson or at the call of a majority of its members. The chairperson shall not serve on or under any committee of a political party. The commission shall include but not be limited to a small claims division.

(2) **CLAIMS BOARD.** There is created a claims board, attached to the department of administration under s. 15.03, consisting of a representative of the office of the governor designated by the governor, a representative of the department of administration designated by the secretary of administration, a representative of the department of justice designated by the attorney general and the chairpersons of the senate and assembly committees on finance or their designees appointed at the commencement of each legislative biennium from the membership of their respective committees on finance.

(3) **DEPOSITORY SELECTION BOARD.** There is created a depository selection board which is attached to the department of administration under s. 15.03. The depository selection board shall consist of the state treasurer, the secretary of administration, and the secretary of revenue or their designees.

(4) **PUBLIC RECORDS BOARD.** There is created a public records board which is attached to the department of administration under s. 15.03. The public records board shall consist of the governor, the director of the historical society, the attorney general, the state auditor, and the director of the legislative council staff, or their designated representatives, and a representative of the small business community, a representative of a school board or the governing body of a municipality, as defined in s. 281.59 (1) (c), and one other member.

(5) **STATE CAPITOL AND EXECUTIVE RESIDENCE BOARD.** There is created a state capitol and executive residence board, attached to



the department of administration under s. 15.03, consisting of the secretary of administration or the secretary's designee, the director of the historical society or the director's designee, an architect or engineer employed by the department of administration appointed by the secretary of administration, 3 senators and 3 representatives to the assembly appointed as are the members of standing committees in their respective houses, and 7 citizen members appointed for staggered 6-year terms of whom at least 2 shall be architects registered under ch. 443, one shall be a landscape architect registered under ch. 443 and 3 shall be interior designers.

**(8) BOARD FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES.** (ag) There is created a board for people with developmental disabilities, attached to the department of administration under s. 15.03.

(am) Subject to par. (cm), the board shall consist of the following state residents, appointed for staggered 4-year terms, who shall be representative of all geographic areas of the state and reflect the state's diversity with respect to race and ethnicity:

1. A representative of each of the relevant agencies of the state that administer federal funds related to individuals with disabilities, to be designated by:

- a. The secretary of workforce development.
- b. The secretary of health services.
- c. The state superintendent of public instruction.

2. Representatives of individuals with developmental disabilities, who are any of the following:

- a. Individuals with developmental disabilities.
- b. Parents or guardians of children with developmental disabilities.
- c. Immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

3. A representative of each of the following who has sufficient authority to engage in policy planning and implementation for the entity represented:

- a. The entity in this state that is designated by the federal department of health and human services as a university center for excellence in developmental disabilities education, research, and services.
- b. The state protection and advocacy system under s. 51.62, designated by the director of the state protection and advocacy agency under s. 51.62 (2).
- c. Each of the local governmental agencies, nongovernmental agencies, and private nonprofit groups that are concerned with services for individuals with developmental disabilities.

(bm) A member specified in par. (am) 1. or 3. shall recuse himself or herself from any discussion by the board of grants or contracts for which the member's department, agency, program, or group is a grantee, contractor, or applicant and may not vote on a matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

(cm) 1. At least 60% of the membership of the board shall be individuals specified under par. (am) 2. who are not managing employees, as defined under 42 USC 1320a-5 (b), of an entity, or employees of a state agency, that receives federal funds for the developmentally disabled or uses the funds to provide services to persons with developmental disabilities. Of those individuals, one-third shall be individuals specified under par. (am) 2. a., one-third shall be individuals specified under par. (am) 2. b. or c., and one-third shall be individuals specified under par. (am) 2. a., b., or c.

2. At least one of the individuals described under subd. 1. shall be an individual with a developmental disability who resides in or previously resided in an institution, including a state center for the developmentally disabled, or the immediate relative or guardian of such an individual. The requirement under this subdi-

vision does not apply if such an individual does not reside in this state.

**(10) BOARD ON AGING AND LONG-TERM CARE.** There is created a board on aging and long-term care, attached to the department of administration under s. 15.03. The board shall consist of 7 members appointed for staggered 5-year terms. Members shall have demonstrated a continuing interest in the problems of providing long-term care for the aged or disabled. At least 4 members shall be public members with no interest in or affiliation with any nursing home.

**(12) WASTE FACILITY SITING BOARD.** (a) *Creation; membership.* There is created a waste facility siting board, attached to the department of administration under s. 15.03, consisting of the following members:

1. The secretary of transportation, the secretary of agriculture, trade and consumer protection and the secretary of safety and professional services or their formally appointed designees.

2. Two town officials.

3. One county official.

(b) *Terms.* The town officials and the county official shall be appointed for staggered 3-year terms.

(c) *Vacancies.* If a town or county official who is a member leaves office while serving on the board, the member's position on the board is considered vacant until a successor is appointed under s. 15.07 (1) (b).

(d) *Recommendations.* In appointing the town officials and county official to be members under this subsection, the governor shall consider recommendations made by the Wisconsin towns association and the Wisconsin Counties Association if these recommendations are submitted within 60 days after a town official or county official position on the board becomes vacant.

(e) *Executive director.* The board shall appoint an executive director under or outside of the classified service.

(f) *Assistance.* The board may contract with any state agency to provide assistance necessary for the board to fulfill its duties.

**(19) OFFICE OF JUSTICE ASSISTANCE.** There is created an office of justice assistance which is attached to the department of administration under s. 15.03. The executive staff director of the office shall be appointed by the governor to serve at the pleasure of the governor.

**(22) STATE USE BOARD.** There is created a state use board which is attached to the department of administration under s. 15.03. The board shall consist of 8 members appointed to serve for 4-year terms, including a representative of the department of administration; a representative of the subunit of the department of health services which administers mental health laws; a representative of the subunit of the department of workforce development which administers vocational rehabilitation laws; 2 representatives of private businesses, one of whom shall represent a small business; one representative of a work center, as defined in s. 16.752; and one member who does not represent any of the foregoing entities. A member vacates his or her office if the member loses the status upon which his or her appointment is based. In this subsection, "small business" means an independently owned and operated business which is not dominant in its field and which has had less than \$2,500,000 in gross annual sales for each of the 2 previous calendar years or has 25 or fewer employees.

**(23) INCORPORATION REVIEW BOARD.** (a) There is created an incorporation review board attached to the department of administration under s. 15.03. The board shall consist of the secretary of administration or his or her designee, 2 members appointed by the Wisconsin Towns Association, one member appointed by the League of Wisconsin Municipalities, and one member appointed by the Wisconsin Alliance of Cities. Members serve at the pleasure of the appointing authority. All members of the board, other than the secretary of administration or his or her designee, serve only in an advisory capacity.

(b) No member of the incorporation review board may review a petition referred to the board under s. 66.0203 (8) (b) if any of the following applies:

1. The member owns property in, or resides in, the town that is the subject of the incorporation petition.

2. The member owns property in, or resides in, a city or village that is contiguous to the town that is the subject of the incorporation petition.

(c) If the secretary of administration is affected by par. (b), he or she shall appoint a designee who is not so affected to review the petition. If any other member of the board is affected by par. (b), that person's appointing authority shall remove that person from the board and shall appoint another member to review the petition who is not so affected.

**(24) NATIONAL AND COMMUNITY SERVICE BOARD.** (a) *Creation.* There is created a national and community service board which is attached to the department of administration under s. 15.03.

(b) *Membership.* The national and community service board shall consist of the voting members described in par. (c) and the nonvoting members described in par. (d), appointed for 3-year terms.

(c) *Voting members.* The national and community service board shall include as voting members the following members:

1. At least one member who has expertise in the educational, training and developmental needs of youth, particularly of disadvantaged youth.

2. At least one member who has experience in promoting volunteerism among older adults.

3. At least one member who is a representative of private non-profit organizations that are representative of a community, or a significant segment of a community, and that are engaged in meeting the human, educational, environmental or public safety needs of that community.

4. The state superintendent of public instruction or his or her designee.

4m. The secretary of administration or his or her designee.

5. At least one member who is a representative of a school board or of a county, city, village or town government.

6. At least one member who is a representative of organized labor.

7. At least one member who is a representative of the business community.

8. At least one member who is at least 16 years of age and not more than 25 years of age and who is a participant or a supervisor in a national service program described in 42 USC 12572 (a).

9. At least one member who is a representative of a national service program described in 42 USC 12572 (a).

10. If less than 16 members are appointed under subds. 1. to 9., a sufficient number of members to bring the total number of voting members to 16.

(d) *Nonvoting members.* In addition to the voting members specified in par. (c), the national and community service board shall include as a nonvoting member the state representative of the corporation for national and community service designated under 42 USC 12651f, and may include as nonvoting members such representatives of state agencies providing community services, youth services, educational services, social services, services for the aging and job training programs as the governor may appoint.

(e) *Membership limitations.* No more than 4 of the voting members of the national and community service board may be state officers or employees. No more than 9 of the voting members of the national and community service board may belong to the same political party. In appointing members to the national and community service board, the governor shall ensure, to the maximum extent practicable, that the membership of the board is diverse with respect to race, national origin, age, sex and disability.

**(25m) COLLEGE SAVINGS PROGRAM BOARD.** There is created a college savings program board that is attached to the department of administration under s. 15.03 and that consists of all of the following members:

(a) The secretary of administration or his or her designee.

(b) The president of the board of regents of the University of Wisconsin System or his or her designee.

(c) The president of the Wisconsin Association of Independent Colleges and Universities or his or her designee.

(d) The chairperson of the investment board or his or her designee.

(e) The president of the technical college system board or his or her designee.

(f) Six other members, appointed for 4-year terms.

**(26) VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN SERVICE AWARD BOARD.** (a) There is created a volunteer fire fighter and emergency medical technician service award board that is attached to the department of administration under s. 15.03. The board shall consist of the secretary of administration or his or her designee and the following members appointed for 3-year terms:

1. One member who is volunteer fire fighter and who is a member of a statewide organization that represents fire chiefs.

2. One member who is volunteer fire fighter and who is a member of a statewide organization that represents volunteer fire fighters.

3. One member who is a volunteer emergency medical technician

4. Three members who represent municipalities that operate volunteer fire departments or that contract with volunteer fire companies organized under ch. 181 or 213.

5. One member who has experience in financial planning.

(b) In appointing the members under par. (a), the governor shall seek to appoint members from different regions of the state and from municipalities of different sizes.

**(28) INFORMATION TECHNOLOGY MANAGEMENT BOARD.** There is created an information technology management board that is attached to the department of administration under s. 15.03. The board shall consist of the governor, the cochairpersons of the joint committee on information policy and technology or a member of the legislature from the same house as a cochairperson designated by that cochairperson, one member of the minority party in each house of the legislature, appointed in the same manner as members of standing committees are appointed, 2 heads of departments or independent agencies appointed to serve at the pleasure of the governor, 2 other members appointed to serve for 4-year terms, and the secretary of administration or his or her designee.

**(29) OFFICE OF STATE EMPLOYMENT RELATIONS.** (a) *Creation.* There is created an office of state employment relations which is attached to the department of administration under s. 15.03 under the direction and supervision of a director. The director shall serve at the pleasure of the governor.

(b) *Same; specified divisions.* 1. 'Division of merit recruitment and selection.' There is created in the office of state employment relations a division of merit recruitment and selection. The administrator of the division of merit recruitment and selection shall be nominated by the governor, and with the advice and consent of the senate appointed for a 5-year term, under the unclassified service from a register of at least 5 names certified to the governor by the director of the office of state employment relations. The director of the office of state employment relations shall prepare and conduct an examination for the position of administrator according to the requirements for classified positions under subch. II of ch. 230. The administrator of the division may be renominated by the governor, and with the advice and consent of the senate reappointed.

(c) *Same; attached board.* 1. 'State employees suggestion board.' There is created in the office of state employment rela-

tions a state employees suggestion board consisting of 3 persons, at least one of whom shall be a state officer or employee, appointed for 4-year terms.

(d) *Same; council.* 1. ‘Council on affirmative action.’ a. There is created in the office of state employment relations a council on affirmative action consisting of 15 members appointed for 3-year terms. A majority of members shall be public members and a majority of members shall be minority persons, women, or persons with disabilities, appointed with consideration to the appropriate representation of each group.

b. The president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly each shall appoint one member and the remaining members shall be appointed by the governor.

(32) OFFICE OF BUSINESS DEVELOPMENT. There is created an office of business development which is attached to the department of administration under s. 15.03. The office shall be under the direction and supervision of a director who shall be appointed by the governor to serve at his or her pleasure.

(33) SMALL BUSINESS REGULATORY REVIEW BOARD. There is created a small business regulatory review board, attached to the department of administration under s. 15.03. The board shall consist of a representative of the department of administration; a representative of the department of agriculture, trade and consumer protection; a representative of the department of children and families; a representative of the department of health services; a representative of the department of natural resources; a representative of the department of safety and professional services; a representative of the department of revenue; a representative of the department of workforce development; 6 representatives of small businesses, as defined in s. 227.114 (1), who shall be appointed for 3-year terms; and the chairpersons of one senate and one assembly committee concerned with small businesses, appointed as are members of standing committees. The representatives of the departments shall be selected by the secretary of that department.

**History:** 1971 c. 40, 164, 270; 1973 c. 90, 333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27, 91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204, 342; 1989 a. 31, 56, 107, 345; 1991 a. 212, 269; 1993 a. 75, 246, 349, 437, 465, 491; 1995 a. 27 ss. 79 to 118p, 9116 (5), 9126 (19); 1995 a. 221, 225; 1997 a. 3; 1997 a. 27 ss. 51 to 53, 9456 (3m); 1997 a. 247; 1999 a. 9, 105, 185; 2001 a. 16 ss. 139, 174, 109; 2003 a. 33 ss. 87s to 97d, 115, 2811, 9160; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 47, 48, 2493; 2005 a. 253; 2007 a. 20 ss. 35 to 35p, 52b, 9121 (6) (a); 2011 a. 32 ss. 74, 92 to 96, 109.

**15.107 Same; councils.** (2) COUNCIL ON SMALL BUSINESS, VETERAN-OWNED BUSINESS AND MINORITY BUSINESS OPPORTUNITIES. There is created in the department of administration a council on small business, veteran-owned business and minority business opportunities consisting of 13 members, appointed by the secretary of administration for 3-year terms, with representation as follows: at least 2 shall be owners or employees of small businesses at least 51% owned by one or more members of a racial minority group; at least one shall be an owner or employee of a small business at least 51% owned by one or more handicapped persons; at least one shall be an owner or employee of a small business operated on a nonprofit basis for the rehabilitation of disabled persons; at least 2 shall be owners or employees of veteran-owned businesses, as defined in s. 16.75 (4) (d); at least one shall be a representative of the department of safety and professional services; and at least one shall be a consumer member. No member may serve for more than 2 consecutive full terms. The secretary of administration, or a department employee who is the secretary's designee, shall serve as the council's nonvoting secretary.

(5) ACID DEPOSITION RESEARCH COUNCIL. (a) There is created in the department of administration an acid deposition research council consisting of the following members:

1. The secretary of administration or his or her designee.
2. The chairperson of the public service commission or his or her designee.
3. The secretary of natural resources or his or her designee.

4. A representative of the University of Wisconsin System appointed by the secretary of administration.

5. A representative of a major utility, as defined under s. 285.41 (1) (f), appointed by the secretary of administration.

6. A representative of an industry which is a large source, as defined under s. 285.45 (1) (a), appointed by the secretary of administration.

7. A representative of an environmental organization in this state, appointed by the secretary of administration.

(b) Members of the council appointed under par. (a) 4. to 7. shall serve at the pleasure of the secretary.

(c) The council shall perform the functions specified under s. 16.02.

(6) ELECTRONIC RECORDING COUNCIL. (a) There is created an electronic recording council which is attached to the department of administration under s. 15.03.

(b) The council shall be composed of the following members appointed for 3-year terms:

1. Four members who are registers of deeds in this state, except that one or more members under this subdivision may be persons who are not currently registers of deeds but who held that office for at least 5 years.

2. One member who represents an association of title insurance companies.

3. One member who represents an association of bankers.

4. One member who represents attorneys who practice real property law.

(11) WOMEN'S COUNCIL. (a) *Creation.* There is created a women's council which is attached to the department of administration under s. 15.03. The council shall consist of 15 members. Except as provided in par. (c), all members shall be appointed for staggered 2-year terms.

(b) *Membership.* The council consists of the following members:

1. The governor, or his or her designee.

2. Six public members appointed by the governor, one of whom the governor shall designate as chairperson.

3. Two public members appointed by the president of the senate.

4. Two public members appointed by the speaker of the assembly.

5. Two members of the senate, appointed in the same manner as members of standing committees are appointed.

6. Two members of the assembly, appointed in the same manner as members of standing committees are appointed.

(c) *Assembly member's and governor's terms.* Each member of the assembly serving on the council shall serve for the period of his or her term in office. The governor or his or her designee serving on the council under par. (b) 1. shall serve a 4-year term.

(12) CERTIFICATION STANDARDS REVIEW COUNCIL. (a) *Creation.* There is created in the department of administration a certification standards review council consisting of 9 members.

(b) *Membership.* 1. The secretary of administration shall appoint 8 members as follows:

a. One member to represent municipalities having wastewater treatment plants with average flows of more than 5,000,000 gallons per day.

b. One member to represent municipalities having wastewater treatment plants with average flows of less than 5,000,000 gallons per day.

c. One member to represent industrial laboratories with permits issued under ch. 283.

d. One member to represent commercial laboratories.

e. One member to represent public water utilities.

f. One member to represent solid and hazardous waste disposal facilities.



g. One member with a demonstrated interest in laboratory certification.

h. One member who is a farmer actively engaged in livestock production to represent agricultural interests.

2. The chancellor of the University of Wisconsin–Madison shall appoint one member to represent the state laboratory of hygiene.

(c) *Terms.* Members of the council shall serve for 3-year terms. A person may not serve more than 2 consecutive terms on the council.

**(16) WISCONSIN LAND COUNCIL.** (a) *Creation.* There is created a Wisconsin land council, attached to the department of administration under s. 15.03.

(b) *Members.* The Wisconsin land council shall consist of the following members:

1. The secretary of administration.
2. The secretary of agriculture, trade and consumer protection.
3. The secretary of safety and professional services.
4. The secretary of natural resources.
5. The secretary of revenue.
6. The secretary of transportation.
7. The state cartographer.
8. One member who represents the interests of cities.
9. One member who represents the interests of counties.
10. One member who represents the interests of towns.
11. One member who represents the interests of local governments.
12. One representative from the University of Wisconsin System.
13. Four members of the public.

(c) *Designees.* Under par. (b), an agency head may appoint a designee to serve on the council, if the designee is an employee or appointive officer of the agency who has sufficient authority to deploy agency resources and directly influence agency decision making.

(d) *Terms, chairperson.* The members listed under par. (b) 8. to 13. shall be appointed for 5-year terms. The governor shall appoint the chairperson of the council, who shall serve at the pleasure of the governor.

(e) *Sunset.* This subsection does not apply after August 31, 2005.

**(17) COUNCIL ON UTILITY PUBLIC BENEFITS.** There is created a council on utility public benefits that is attached to the department of administration under s. 15.03. The council shall consist of the following members appointed for 3-year terms:

- (a) Two members appointed by the governor.
- (b) Two members appointed by the senate majority leader.
- (c) One member appointed by the senate minority leader.
- (d) Two members appointed by the speaker of the assembly.
- (e) One member appointed by the assembly minority leader.
- (f) One member appointed by the secretary of natural resources.
- (g) One member appointed by the secretary of administration.
- (h) One member appointed by the chairperson of the public service commission.

**(18) INTEROPERABILITY COUNCIL.** (a) There is created an interoperability council, attached to the department of administration under s. 15.03.

(b) The council consists of all of the following:

1. The executive director of the office of justice assistance, the adjutant general, the secretary of natural resources, the secretary of transportation, and a representative from the department of administration with knowledge of information technology, or their designees.

2. Ten members appointed by the governor for staggered 4-year terms, including a chief of police, a sheriff, a chief of a fire department, a director of emergency medical services, a local government elected official, a local emergency management director, a representative of a federally recognized American Indian tribe or band in this state, a hospital representative, a local health department representative, and one other person with relevant experience or expertise in interoperable communications.

(c) The governor shall designate a member of the council as the chairperson and a member as the vice chairperson.

**History:** 1971 c. 215; 1973 c. 90; 1977 c. 29, 419; 1979 c. 34; 1979 c. 361 s. 112; 1981 c. 20, 62, 237; 1983 a. 27, 393, 410; 1985 a. 29, 84; 1987 a. 27, 142; 1989 a. 31; 1991 a. 32 s. 17; 1991 a. 39, 170, 269; 1995 a. 27, ss. 119, 120 and 9116 (5); 1995 a. 227, 433, 442; 1997 a. 27, 35, 231; 1999 a. 9; 2001 a. 16, 38; 2003 a. 33; 2005 a. 228, 253, 421; 2007 a. 79; 2011 a. 32.

**15.13 Department of agriculture, trade and consumer protection; creation.** There is created a department of agriculture, trade and consumer protection under the direction and supervision of the board of agriculture, trade and consumer protection. The board shall consist of 7 members with an agricultural background and 2 members who are consumer representatives, appointed for staggered 6-year terms. Appointments to the board shall be made without regard to party affiliation, residence or interest in any special organized group.

**History:** 1977 c. 29; 1995 a. 27; 1997 a. 27.

**15.135 Same; attached boards and commissions.**

**(1) LIVESTOCK FACILITY SITING REVIEW BOARD.** (a) There is created a livestock facility siting review board which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The board consists of the following members:

1. A member representing the interests of towns, selected from a list of names submitted by the Wisconsin Towns Association.
2. A member representing the interests of counties, selected from a list of names submitted by the Wisconsin Counties Association.
3. A member representing environmental interests, selected from a list of names submitted by environmental organizations.
4. A member representing livestock farming interests, selected from a list of names submitted by statewide agricultural organizations.
5. Three other members.

(b) The members under par. (a) shall be nominated by the secretary of agriculture, trade and consumer protection, and with the advice and consent of the senate appointed, for 5-year terms.

**(4) LAND AND WATER CONSERVATION BOARD.** (am) *Creation.* There is created a land and water conservation board which is attached to the department of agriculture, trade and consumer protection under s. 15.03.

(b) *Members.* The board consists of all of the following members:

1. The secretaries of administration, natural resources, and agriculture, trade and consumer protection or their designees.
2. Three members of county land conservation committees designated biennially by the county land conservation committees at their annual meeting in even-numbered years, appointed for 2-year terms.

2m. One representative appointed for a 2-year term.

3. Four other members appointed for staggered 4-year terms. One of those members shall be a resident of a city with a population of 50,000 or more, one shall represent a governmental unit involved in river management, one shall be a farmer and one shall be a member of a charitable corporation, charitable association or charitable trust, the purpose or powers of which include protecting natural resources, including scenic or open space, and maintaining or enhancing air or water quality.

(c) *Advisory members.* The board shall invite:

1. The U.S. secretary of agriculture to appoint a representative of the natural resources conservation service and a representative of the farm service agency to serve as advisory members of the board.

2. The dean of the College of Agricultural and Life Sciences of the University of Wisconsin–Madison and the director of the University of Wisconsin–Extension to serve or appoint a person to serve as an advisory member of the board.

3. The staff of the county land conservation committees employed under s. 92.09 to designate jointly a person to serve as an advisory member of the board.

(d) *Vacancies.* If one or more of the county land conservation committee member positions on the board is vacant, the chairperson may call a special meeting of the committees to fill the vacancies, but vacancies may be filled only if a majority of the committees are represented at the special meeting.

**History:** 1971 c. 125; 1973 c. 299; 1977 c. 29 ss. 32d, 33, 1650m (2), (4); 1979 c. 361 s. 112; 1981 c. 305, 346; 1983 a. 27; 1985 a. 20, 29, 153; 1987 a. 27, 281; 1989 a. 31, 219; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 27, 111; 2003 a. 235; 2005 a. 149.

**15.137 Same; councils.** (1) **AGRICULTURAL PRODUCER SECURITY COUNCIL.** (a) There is created in the department of agriculture, trade and consumer protection an agricultural producer security council consisting of the following members appointed by the secretary of agriculture for 3-year terms:

1. One person representing the Farmers' Educational and Cooperative Union of America, Wisconsin Division.

2. One person representing the Midwest Food Processors Association, Inc.

3. One person representing the National Farmers' Organization, Inc.

4. One person representing the Wisconsin Agri-Service Association, Inc.

5. One person representing the Wisconsin Cheese Makers Association.

6. One person representing both the Wisconsin Corn Growers Association, Inc., and the Wisconsin Soybean Association, Inc.

7. One person representing the Wisconsin Dairy Products Association, Inc.

8. One person representing the Wisconsin Farm Bureau Federation.

9. One person representing the Wisconsin Federation of Cooperatives.

10. One person representing the Wisconsin Potato and Vegetable Growers Association, Inc.

(b) Each organization identified in par. (a) shall nominate 2 persons to represent that organization on the agricultural producer security council. The secretary of agriculture, trade and consumer protection shall appoint members from among the nominees.

(2) **AGRICULTURAL EDUCATION AND WORKFORCE DEVELOPMENT COUNCIL.** (a) There is created in the department of agriculture, trade and consumer protection an agricultural education and workforce development council consisting of the following members:

1. The secretary of agriculture, trade and consumer protection or his or her designee.

2. The state superintendent of public instruction or his or her designee.

3. The secretary of workforce development or his or her designee.

3m. The chief executive officer of the Wisconsin Economic Development Corporation or his or her designee.

4. The secretary of natural resources or his or her designee.

5. The president of the University of Wisconsin System or his or her designee.

6. The director of the technical college system or his or her designee.

7. The chancellor of the University of Wisconsin–Extension or his or her designee.

8. A member chosen jointly by the dean of the College of Agricultural and Life Sciences of the University of Wisconsin–Madison, the dean of the School of Veterinary Medicine of the University of Wisconsin–Madison, the dean of the College of Business, Industry, Life Science, and Agriculture of the University of Wisconsin–Platteville, the dean of the College of Agriculture, Food, and Environmental Sciences of the University of Wisconsin–River Falls, and the dean of the College of Natural Resources of the University of Wisconsin–Stevens Point to represent the colleges and school.

8g. A technical college district director appointed by the director of the technical college system.

8r. A technical college dean with authority over agricultural programs appointed by the director of the technical college system.

9. The chairpersons of one senate standing committee and one assembly standing committee concerned with education, appointed as are members of standing committees.

10. The chairpersons of one senate standing committee and one assembly standing committee concerned with agriculture, appointed as are members of standing committees.

11. A representative of the Wisconsin Association of Agricultural Educators.

12. Two representatives of general agriculture.

13. Two representatives of agribusiness.

14. A representative of environmental stewardship interests.

15. A representative of businesses related to natural resources.

16. A representative of businesses related to plant agriculture.

17. A representative of landscaping, golf course, greenhouse, floral, and related businesses.

18. A representative of food product and food processing businesses.

19. A representative of businesses related to animal agriculture.

20. A representative of businesses related to renewable energy.

21. A representative of agricultural communication interests.

22. A representative of businesses providing engineering, mechanical, electronic, and power services relating to agriculture.

23. A representative of the board of agriculture, trade and consumer protection.

24. A teacher who teaches classes in science, vocational technology, business, math, or a similar field.

25. A school guidance counselor.

26. A school board member.

27. A school district administrator.

(b) A person who is authorized under par. (a) 1. to 7. to appoint a designee may only appoint a designee who is an employee or appointive officer of the person's department or educational institution and who has sufficient authority to deploy department or system resources and directly influence department or educational institution decision making.

(c) The secretary of agriculture, trade and consumer protection shall appoint members of the council under par. (a) 11. to 23. to serve for 3-year terms. A member under par. (a) 11. to 23. may not serve more than 2 consecutive terms on the council.

(cm) The superintendent of public instruction shall appoint members of the council under par. (a) 24. to 27. to serve for 3-year terms. A member under par. (a) 24. to 27. may not serve more than 2 consecutive terms on the council.

(3) **FARM TO SCHOOL COUNCIL.** (a) There is created in the department of agriculture, trade and consumer protection a farm to school council.

(b) The secretary of agriculture, trade and consumer protection shall appoint to the council an employee of the department and shall appoint farmers, experts in child health, school food service personnel, and other persons with interests in agriculture, nutrition, and education.

(c) The secretary of health services shall appoint to the council an employee of the department of health services.

(d) The superintendent of public instruction shall appoint to the council an employee of the department of public instruction.

**(5) FERTILIZER RESEARCH COUNCIL.** There is created in the department of agriculture, trade and consumer protection a fertilizer research council consisting of the following members:

(a) *Nonvoting members.* The secretary of agriculture, trade and consumer protection, the secretary of natural resources and the dean of the College of Agricultural and Life Sciences at the University of Wisconsin–Madison, or their designees, shall serve as nonvoting members.

(b) *Voting members.* 1. Six voting members shall be appointed jointly by the secretary of the department of agriculture, trade and consumer protection and the dean of the College of Agricultural and Life Sciences at the University of Wisconsin–Madison, to serve for 3-year terms. Three of the members appointed under this subdivision shall be industry representatives selected from a list of candidates provided by the fertilizer industry. Three of the members appointed under this subdivision shall represent farmers who are crop producers.

2. One voting member shall be appointed by the secretary of natural resources to serve for a 3-year term. The member appointed under this subdivision shall be knowledgeable about water quality.

3. No voting member may serve more than 2 consecutive 3-year terms.

**(6) BIOENERGY COUNCIL.** There is created a bioenergy council which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The secretary of agriculture, trade and consumer protection shall appoint the members of the council, to serve at the pleasure of the secretary.

**History:** 1977 c. 29 s. 1650m (2), (4); 1977 c. 87, 216, 272, 418; 1979 c. 129; 1981 c. 57, 237; 1985 a. 184; 1987 a. 281; 1991 a. 269, 315; 1993 a. 417; 1997 a. 27; 2001 a. 16; 2007 a. 223; 2009 a. 293, 401; 2011 a. 32.

**15.14 Department of corrections; creation.** There is created a department of corrections under the direction and supervision of the secretary of corrections.

**History:** 1989 a. 31.

**15.145 Same; attached boards, commissions, and councils. (1) PAROLE COMMISSION.** There is created in the department of corrections a parole commission consisting of 8 members. Members shall have knowledge of or experience in corrections or criminal justice. The members shall include a chairperson who is nominated by the governor, and with the advice and consent of the senate appointed, for a 2-year term expiring March 1 of the odd-numbered years, subject to removal under s. 17.07 (3m), and the remaining members in the classified service appointed by the chairperson.

**(2) PRISON INDUSTRIES BOARD.** There is created a prison industries board which is attached to the department of corrections under s. 15.03. The board shall consist of 9 members appointed for 4-year terms. Three members shall be appointed to represent private business and industry and 3 members shall be appointed to represent private labor organizations. One member shall be appointed to represent each of the following:

- (c) The technical college system.
- (d) The department of corrections.
- (f) The department of administration.

**(3) INTERSTATE ADULT OFFENDER SUPERVISION BOARD.** There is created an interstate adult offender supervision board which is attached to the department of corrections under s. 15.03. The board shall consist of 5 members appointed for 4-year terms. The

governor shall comply with the requirements of s. 304.16 (4) when appointing members of the board. The board shall have the powers, duties, and responsibilities set forth under s. 304.16.

**(4) STATE BOARD FOR INTERSTATE JUVENILE SUPERVISION.** There is created a state board for interstate juvenile supervision, which is attached to the department of corrections under s. 15.03. The board shall consist of 5 members appointed for 3-year terms. The governor shall comply with the requirements of s. 938.999 (9) when appointing members of the board. The board shall have the powers, duties, and responsibilities set forth under s. 938.999.

**(5) COUNCIL ON OFFENDER REENTRY.** There is created a council on offender reentry which is attached to the department of corrections under s. 15.03, which shall have the duties, responsibilities, and powers set forth under s. 301.095. The council shall consist of 22 members, and the appointed members shall serve for 2-year terms and may be appointed for a maximum of 2 consecutive terms. The chairperson of the council shall be the secretary of corrections or the reentry director, as decided by the secretary of corrections. The chairperson may appoint subcommittees and the council shall meet no less frequently than 4 times per year at a date and location to be determined by the chairperson. Members of the council shall include the secretary of corrections, or his or her designee; the secretary of workforce development, or his or her designee; the secretary of health services, or his or her designee; the secretary of children and families, or his or her designee; the secretary of transportation, or his or her designee; the attorney general, or his or her designee; the chairperson of the parole commission, or his or her designee; the state superintendent of public instruction; the reentry director as appointed by the secretary of corrections; a current or former judge, as appointed by the director of state courts; an individual who has been previously convicted of, and incarcerated for, a crime in Wisconsin, as appointed by the secretary of corrections; and the following persons, as appointed by the governor:

- (a) A law enforcement officer.
- (b) A representative of a crime victim rights or crime victim services organization.
- (c) A representative of a faith-based organization that is involved with the reintegration of offenders into the community.
- (d) A representative of a county department of human services.
- (e) A representative of a federally recognized American Indian tribe or band in this state.
- (f) A representative of a nonprofit organization that is involved with the reintegration of offenders into the community and that is not a faith-based organization.
- (g) A district attorney.
- (h) A representative of the office of the state public defender.
- (i) An academic professional in the field of criminal justice.
- (j) A representative of the Wisconsin Technical College System.

**History:** 1989 a. 107 ss. 4, 5m; 1989 a. 121; 1993 a. 399; 1997 a. 27, 237; 2001 a. 16, 96; 2005 a. 234; 2009 a. 28, 276; 2011 a. 32, 38.

**15.16 Department of employee trust funds; creation.** There is created a department of employee trust funds under the direction and supervision of the employee trust funds board.

**(1) EMPLOYEE TRUST FUNDS BOARD.** The employee trust funds board shall consist of the governor or the governor's designee on the group insurance board, the director of the office of state employment relations or the director's designee and 11 persons appointed or elected for 4-year terms as follows:

- (a) Four members shall be members of the teachers retirement board, appointed by that board.
  - 1. At least one appointee under this paragraph shall have been appointed or elected to the board under s. 15.165 (3) (a) 1. or 2.
  - 2. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (a) 4.
  - 3. At least one appointee under this paragraph shall have been elected to the board under s. 15.165 (3) (a) 7.



4. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (a) 3. or 5.

(b) Four members shall be members of the Wisconsin retirement board, appointed by that board.

1. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (b) 1., 2., 4., 5. or 8.

2. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (b) 3., 6. or 7.

3. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (b) 7. or 8.

(c) One member shall be a public member who is not a participant in or beneficiary of the Wisconsin retirement system, with at least 5 years of experience in actuarial analysis, administration of an employee benefit plan or significant administrative responsibility in a major insurer. It is the intent of the legislature that the member appointed under this paragraph shall represent the interests of the taxpayers of this state and shall not be representative of public employee or employer interests.

(d) One member shall be an annuitant, as defined for purposes other than life insurance under s. 40.02 (4), elected by annuitants, as defined for purposes other than life insurance under s. 40.02 (4).

(f) One member who is a participant in the Wisconsin retirement system and who is a technical college educational support personnel employee, as defined in s. 40.02 (55g), or an educational support personnel employee, as defined in s. 40.02 (22m), elected by participating employees meeting the same criteria.

**History:** 1979 c. 221; 1981 c. 96; 1991 a. 116; 1999 a. 181; 2003 a. 33 ss. 101, 9160; 2005 a. 25.

Membership requirements under sub. (1) (a) and (b) apply only at the time of appointment. Appointees serve "at pleasure" of the appointing boards under sub. (1) (a) and (b). 75 Atty. Gen. 127 (1986).

**15.165 Same; attached boards. (1) BOARD MEMBERS.** (a) Any member of a board created under this section who loses the status upon which the appointment or election was based shall cease to be a member of the board upon appointment or election to the board of a qualified successor.

(b) For purposes of this section, annuitants are deemed to be employees in the last position in which they were covered by the Wisconsin retirement system, except that annuitants may not be elected, appointed or vote under sub. (3) (a) 1., 2., 4. or 7.

(2) **GROUP INSURANCE BOARD.** There is created in the department of employee trust funds a group insurance board. The board shall consist of the governor, the attorney general, the secretary of administration, the director of the office of state employment relations, and the commissioner of insurance or their designees, and 6 persons appointed for 2-year terms, of whom one shall be an insured participant in the Wisconsin Retirement System who is not a teacher, one shall be an insured participant in the Wisconsin Retirement System who is a teacher, one shall be an insured participant in the Wisconsin Retirement System who is a retired employee, one shall be an insured employee of a local unit of government, and one shall be the chief executive or a member of the governing body of a local unit of government that is a participating employer in the Wisconsin Retirement System.

(3) **RETIREMENT BOARDS.** (a) *Teachers retirement board.* There is created in the department of employee trust funds a teachers retirement board. The board shall consist of 13 members, to serve for staggered 5-year terms. The board shall consist of the following members:

1. Six public school teachers who are participating employees in the Wisconsin retirement system and who are not eligible for election under any other subdivision of this paragraph, elected by participating employees meeting the same criteria.

2. One public school teacher from a technical college district who is a participating employee in the Wisconsin retirement system, elected by teacher participating employees from technical college districts.

3. One administrator in Wisconsin's public schools who is not a classroom teacher.

4. Two University of Wisconsin System representatives who are teacher participants in the Wisconsin retirement system. The representatives under this subdivision shall not be from the same campus.

5. One representative who is a member of a school board.

6. One annuitant who was a teacher participant in the Wisconsin retirement system, elected by the annuitants who were teacher participants.

7. One teacher in the city of Milwaukee who is a participating employee in the Wisconsin retirement system, elected by the teachers of the public schools in that city who are participating employees.

(b) *Wisconsin retirement board.* There is created in the department of employee trust funds a Wisconsin retirement board. The board shall consist of 9 members, and board members appointed under subds. 1. to 8. shall serve for staggered 5-year terms. The member appointed under subd. 1. shall be appointed from a list of 5 names submitted by the board of directors of the League of Wisconsin Municipalities, and the member appointed under subd. 4. shall be appointed from a list of 5 names submitted by the executive committee of the Wisconsin Counties Association. Each member appointed under subds. 1., 2., and 3. shall be from a different county. Each member appointed under subds. 4., 5., and 6. shall be appointed from a different county. The board shall consist of the following members:

1. One member who is the chief executive or a member of the governing body of a participating city or village.

2. One member who is a participating employee and the principal finance officer of a participating city or village.

3. One member who is a participating employee of a participating city or village.

4. One member who is the chairperson or a member of the governing body of a participating county or town.

5. One member who is a county clerk or deputy county clerk of a participating county.

6. One member who is a participating employee of a participating local employer other than a city or village.

7. One member who is a participating state employee.

8. One member who is a public member not a participant in or beneficiary of the Wisconsin retirement system. It is the intent of the legislature that the members appointed under this paragraph shall represent the interests of the taxpayers of this state and shall not be representative of public employee or employer interests.

9. The commissioner of insurance or an experienced actuary in the office of the commissioner designated by the commissioner.

(4) **DEFERRED COMPENSATION BOARD.** There is created in the department of employee trust funds a deferred compensation board consisting of 5 members appointed for 4-year terms.

**History:** 1973 c. 151, 329; 1977 c. 29, 418; 1979 c. 221; 1981 c. 96; 1983 a. 192 s. 303 (7); 1983 a. 290; 1985 a. 230; 1987 a. 403; 1989 a. 31; 1993 a. 399; 1999 a. 9; 2001 a. 103; 2003 a. 33 ss. 102, 9160; 2005 a. 66; 2007 a. 20 s. 9121 (6) (a).

Public school administrators are eligible to be candidates for and to vote for teacher representatives on the teachers retirement board. 76 Atty. Gen. 141.

**15.18 Department of financial institutions.** There is created a department of financial institutions under the direction and supervision of the secretary of financial institutions.

**History:** 1995 a. 27.

**15.183 Same; specified divisions. (1) DIVISION OF BANKING.** There is created a division of banking. Prior to July 1, 2000, the division is attached to the department of financial institutions under s. 15.03. After June 30, 2000, the division is created in the department of financial institutions. The administrator of the division shall be appointed outside the classified service by the secretary of financial institutions and shall serve at the pleasure of the secretary.

(3) **DIVISION OF SECURITIES.** There is created a division of securities. Prior to July 1, 2000, the division is attached to the department of financial institutions under s. 15.03. After June 30,

2000, the division is created in the department of financial institutions. The administrator of the division shall be appointed outside the classified service by the secretary of financial institutions and shall serve at the pleasure of the secretary.

**History:** 1995 a. 27; 1999 a. 9; 2003 a. 33.

**15.185 Same; attached boards and offices. (1) BANKING REVIEW BOARD.** There is created in the department of financial institutions a banking review board consisting of 5 persons, appointed for staggered 5-year terms. At least 3 members shall be experienced bankers having at least 5 years' experience in the banking business. No member is qualified to act in any matter involving a bank in which the member is an officer, director or stockholder, or to which the member is indebted.

**(3) SAVINGS INSTITUTIONS REVIEW BOARD.** There is created in the department of financial institutions a savings institutions review board consisting of 5 members, at least 3 of whom shall have not less than 5 years' experience in the savings and loan or savings bank business in this state, appointed for 5-year terms.

**(7) OFFICE OF CREDIT UNIONS.** (a) *Office of credit unions; creation.* There is created an office of credit unions which is attached to the department of financial institutions under s. 15.03. The director shall be appointed by the governor to serve at the pleasure of the governor. No person may be appointed director who has not had at least 3 years of actual experience either in the operation of a credit union, or serving in a credit union supervisory capacity, or a combination of both. Notwithstanding s. 15.03, all personnel and budget requests by the office of credit unions shall be processed and forwarded by the department of financial institutions without change except as requested and concurred in by the office of credit unions.

(b) *Credit union review board.* There is created in the office of credit unions a credit union review board consisting of 5 persons, appointed for staggered 5-year terms. All members shall have at least 5 years' experience in the operations of a credit union. The office of credit unions may call special meetings of the review board.

**History:** 1995 a. 27, ss. 135, 136, 196, 197, 201, 203, 216, 217; 1997 a. 27; 2003 a. 33.

**15.187 Same; councils. (1) MORTGAGE LOAN ORIGINATOR COUNCIL.** There is created in the department of financial institutions a mortgage loan originator council. The council shall consist of the following members, appointed by the secretary of financial institutions for 4-year terms:

(a) Four persons who are mortgage loan originators licensed under s. 224.725.

(b) One person who is an agent of a mortgage broker licensed under s. 224.72 (1m).

(c) One person who is an agent of a mortgage banker licensed under s. 224.72 (1m).

(e) The secretary of financial institutions or his or her designee.

**History:** 2003 a. 260; 2009 a. 2.

**15.19 Department of health services; creation.** There is created a department of health services under the direction and supervision of the secretary of health services.

**History:** 1975 c. 39; 1995 a. 27 s. 9126 (19); 2007 a. 20 s. 9121 (6) (a).

**15.195 Same; attached boards and commissions.**

**(8) EMERGENCY MEDICAL SERVICES BOARD.** There is created an emergency medical services board, which is attached to the department of health services under s. 15.03. The board shall consist of 11 voting members, appointed for 3-year terms, who have an interest and expertise in emergency medical services issues, who represent the various geographical areas of the state and who include representatives of the various types of emergency medical services providers. In addition to the 11 voting members, the secretary of health services, the secretary of transportation, the director of the technical college system board and the state medical

director for emergency medical services or their designees shall serve as nonvoting members of the board.

**History:** 1971 c. 219; 1977 c. 29 s. 1650m (2); 1977 c. 273; 1983 a. 27; 1983 a. 109 ss. 1, 3; 1985 a. 56; 1987 a. 399; 1989 a. 102, 107; 1991 a. 250; 1993 a. 16, 168, 184, 233; 1995 a. 27 ss. 138, 139, 9126 (19); 1995 a. 225, 305; 1997 a. 27 ss. 60e to 61, 93; 1997 a. 231; 1999 a. 9; 2001 a. 16, 79; 2003 a. 33; 2005 a. 228, 319; 2007 a. 20 ss. 39 to 50, 9121 (6) (a).

**15.197 Same; councils. (1) COUNCIL ON MENTAL HEALTH.** There is created in the department of health services a council on mental health consisting of not less than 21 nor more than 25 members nominated by the secretary of health services and appointed by the governor for 3-year terms. Persons appointed to the council on mental health shall include representatives of groups and a proportion of members as specified in 42 USC 300x-3 (c), as amended to April 2, 2008.

**(2) COUNCIL ON BLINDNESS.** There is created in the department of health services a council on blindness consisting of 9 members appointed by the secretary of health services for staggered 3-year terms. At least 7 of the persons appointed to the council shall be blind or visually impaired, as defined in s. 47.01 (1) or (5) and shall reflect a broad representation of blind or visually impaired persons. All council members shall have a recognized interest in and demonstrated knowledge of the problems of the blind or visually impaired. Council members may be persons receiving services from the department. The council has the functions specified in s. 47.03 (9).

**(4) COUNCIL ON PHYSICAL DISABILITIES. (a) Definitions.** In this subsection:

1. "Major life activity" means any of the following:
  - a. Self-care.
  - b. Performance of manual tasks unrelated to gainful employment.
  - c. Walking.
  - d. Receptive and expressive language.
  - e. Breathing.
  - f. Working.
  - g. Participating in educational programs.
  - h. Mobility, other than walking.
  - i. Capacity for independent living.
2. "Physical disability" means a physical condition, including an anatomical loss or musculoskeletal, neurological, respiratory or cardiovascular impairment, which results from injury, disease or congenital disorder and which significantly interferes with or significantly limits at least one major life activity of a person.
3. "Physically disabled person" means an individual having a physical disability.

(b) *Creation and membership.* There is created a council on physical disabilities, attached to the department of health services under s. 15.03. The council shall consist of all of the following:

1. The governor, or his or her designee.
3. Thirteen members, appointed for 3-year terms, under the following criteria:

a. The members shall be appointed from residents of this state who have a demonstrated professional or personal interest in problems of physical disability and shall be selected so as to include a reasonably equitable representation of those communities located in the state's urban and rural areas and with regard to sex and race.

b. At least 6 members shall be physically disabled persons. Two members may be parents, guardians or relatives of physically disabled persons.

c. At least one member shall be a provider of services to physically disabled persons.

(c) The council has the functions specified in s. 46.29.

**(8) COUNCIL FOR THE DEAF AND HARD OF HEARING.** There is created in the department of health services a council for the deaf

and hard of hearing consisting of 9 members appointed for staggered 4-year terms.

**(12) COUNCIL ON BIRTH DEFECT PREVENTION AND SURVEILLANCE.** There is created in the department of health services a council on birth defect prevention and surveillance. The council shall consist of the following members appointed for a 4-year term by the secretary of health services:

(a) A representative of the University of Wisconsin Medical School who has technical expertise in birth defects epidemiology.

(b) A representative from the Medical College of Wisconsin who has technical expertise in birth defects epidemiology.

(bn) A pediatric nurse or a nurse with expertise in birth defects.

(c) A representative from the subunit of the department that is primarily responsible for the children with special health needs program.

(d) A representative from the subunit of the department that is primarily responsible for early intervention services.

(e) A representative from the subunit of the department that is primarily responsible for health statistics research and analysis.

(f) A representative of the State Medical Society of Wisconsin.

(g) A representative of the Wisconsin Health and Hospital Association.

(h) A representative of the American Academy of Pediatrics — Wisconsin Chapter.

(i) A representative of the board for people with developmental disabilities.

(j) A representative of a nonprofit organization that has as its primary purpose the prevention of birth defects and does not promote abortion as a method of prevention.

(k) A parent or guardian of a child with a birth defect.

(L) A representative of a local health department, as defined in s. 250.01 (4), who is not an employee of the department of health services.

**(13) PUBLIC HEALTH COUNCIL.** There is created in the department of health services a public health council consisting of 23 members, nominated by the secretary of health services, and appointed for 3-year terms. The council shall include representatives of health care consumers, health care providers, health professions educators, local health departments and boards, federally recognized American Indian tribes or bands in this state, public safety agencies, and, if created by the secretary of health services under s. 15.04 (1) (c), the public health advisory committee.

**(25) TRAUMA ADVISORY COUNCIL.** (a) There is created in the department of health services a trauma advisory council. The trauma advisory council shall consist of the following members who have an interest and expertise in emergency medical services and who are appointed by the secretary of health services:

1. Four physicians who represent urban and rural areas.
2. Two registered nurses, as defined in s. 146.40 (1) (f).
3. Two prehospital emergency medical services providers, including one representative of a municipality.
4. Two representatives of a rural hospital.
5. Two representatives of an urban hospital.
6. One member of the emergency medical services board.

(b) In appointing the members under par. (a), the secretary of health services shall ensure that all geographic areas of the state are represented.

**History:** 1971 c. 125, 219, 255, 322, 332; 1973 c. 198, 321, 322; 1975 c. 39 ss. 46 to 52, 732 (2); 1975 c. 115, 168, 199, 200; 1977 c. 29 ss. 36, 40, 41, 42, 42c, 42g, 42k, 42p, 42t, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355; 1981 c. 20, 24; 1983 a. 27, 113, 188, 204, 435, 439, 538; 1985 a. 29; 1987 a. 27, 413; 1989 a. 31, 202; 1991 a. 32, 39, 189, 250; 1993 a. 16, 27, 98, 213, 399; 1995 a. 27 ss. 139m to 143, 9126 (19), 9130 (4); 1995 a. 225, 303, 352; 1997 a. 3, 27, 154; 1999 a. 9, 114; 2001 a. 59, 109; 2003 a. 29, 186; 2007 a. 20 ss. 40 to 50, 9121 (6) (a); 2007 a. 113; 2009 a. 180.

**15.20 Department of children and families; creation.** There is created a department of children and families under the direction and supervision of the secretary of children and families.

**History:** 2007 a. 20.

**15.205 Same; attached boards. (4) CHILD ABUSE AND NEGLECT PREVENTION BOARD.** There is created a child abuse and neglect prevention board which is attached to the department of children and families under s. 15.03. The board shall consist of 20 members as follows:

(a) The governor or his or her designee.

(b) The attorney general or his or her designee.

(c) The secretary of health services or his or her designee.

(d) The state superintendent of public instruction or his or her designee.

(dg) The secretary of corrections or his or her designee.

(dr) The secretary of children and families or his or her designee.

(e) One representative to the assembly appointed by the speaker of the assembly or that appointed representative's designee.

(em) One representative to the assembly appointed by the minority leader of the assembly or that appointed representative's designee.

(f) One senator appointed by the president of the senate or that appointed senator's designee.

(fm) One senator appointed by the minority leader of the senate or that appointed senator's designee.

(g) Ten public members appointed by the governor for staggered 3-year terms. The public members shall be appointed on the basis of expertise, experience, leadership, or advocacy in the prevention of child abuse and neglect.

**History:** 2007 a. 20 ss. 39 to 50, 66, 9121 (6) (a).

**15.207 Same; councils. (16) COUNCIL ON DOMESTIC ABUSE.** There is created in the department of children and families a council on domestic abuse. The council shall consist of 13 members appointed for staggered 3-year terms. Of those 13 members, 9 shall be nominated by the governor and appointed with the advice and consent of the senate, and one each shall be designated by the speaker of the assembly, the senate majority leader and the minority leader in each house of the legislature and appointed by the governor. Persons appointed shall have a recognized interest in and knowledge of the problems and treatment of victims of domestic abuse.

**(24) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL.** (a) There is created a Milwaukee child welfare partnership council, attached to the department of children and families under s. 15.03. The council shall consist of the following members:

1. Three members of the Milwaukee County board nominated by the Milwaukee County executive.

2. One representative to the assembly appointed by the speaker of the assembly.

3. One representative to the assembly appointed by the minority leader of the assembly.

4. One senator appointed by the president of the senate.

5. One senator appointed by the minority leader of the senate.

6. Ten members who are residents of this state, not less than 6 of whom shall be residents of Milwaukee County.

7. Subject to par. (d), two members who are nominated by a children's services network established in Milwaukee County under s. 49.143 (2) (b) and who are residents of the geographical area established under s. 49.143 (6) that is served by the children's services network.



(b) Notwithstanding s. 15.09 (2), the governor shall designate one of the members appointed under par. (a) 6. as chairperson of the council.

(c) The members of the council appointed under par. (a) 1., 6. and 7. shall be appointed for 3–year terms.

(d) If the department of children and families establishes more than one geographical area in Milwaukee County under s. 49.143 (6), the children's services networks established in Milwaukee County under s. 49.143 (2) (b), in nominating members under par. (a) 7., shall nominate residents of different geographical areas established under s. 49.143 (6) and, when the term of a member appointed under par. (a) 7. ends or if a vacancy occurs in the membership of the council under par. (a) 7., those children's services networks shall nominate a resident of a different geographical area established under s. 49.143 (6) from the geographical area of the member who is being replaced according to a rotating order of succession determined by the children's services networks.

**History:** 2007 a. 20 ss. 53 to 64, 67; 2009 a. 180 s. 13.

**15.22 Department of workforce development; creation.** There is created a department of workforce development under the direction and supervision of the secretary of workforce development.

**History:** 1977 c. 29; 1995 a. 27 s. 9130 (4); 1997 a. 3.

**15.223 Same; specified divisions. (1) DIVISION OF EQUAL RIGHTS.** There is created in the department of workforce development a division of equal rights.

**History:** 1995 a. 27 ss. 144, 9130 (4); 1997 a. 3, 27; 1999 a. 9; 2001 a. 16.

**15.225 Same; attached boards and commission. (1) LABOR AND INDUSTRY REVIEW COMMISSION.** There is created a labor and industry review commission which is attached to the department of workforce development under s. 15.03, except the budget of the labor and industry review commission shall be transmitted by the department to the governor without change or modification by the department, unless agreed to by the labor and industry review commission.

**History:** 1977 c. 29; 1995 a. 27 ss. 107 to 111, 9126 (19), 9130 (4); 1995 a. 221; 1997 a. 3; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25.

**15.227 Same; councils. (3) COUNCIL ON UNEMPLOYMENT INSURANCE.** There is created in the department of workforce development a council on unemployment insurance appointed by the secretary of workforce development to consist of 5 representatives of employers and 5 representatives of employees appointed to serve for 6–year terms and a permanent classified employee of the department of workforce development who shall serve as nonvoting chairperson. In making appointments to the council, the secretary shall give due consideration to achieving balanced representation of the industrial, commercial, construction, nonprofit and public sectors of the state's economy. One of the employer representatives shall be an owner of a small business or a representative of an association primarily composed of small businesses. In this subsection, "small business" means an independently owned and operated business which is not dominant in its field and which has had less than \$2,000,000 in gross annual sales for each of the previous 2 calendar years or has 25 or fewer employees. A member vacates his or her office if the member loses the status upon which his or her appointment is based.

(4) **COUNCIL ON WORKER'S COMPENSATION.** There is created in the department of workforce development a council on worker's compensation appointed by the secretary of workforce development to consist of a designated employee of the department of workforce development as chairperson, 5 representatives of employers, and 5 representatives of employees. The secretary of workforce development shall also appoint 3 representatives of insurers authorized to do worker's compensation insurance business in this state as nonvoting members of the council.

(8) **COUNCIL ON MIGRANT LABOR.** There is created in the department of workforce development a council on migrant labor.

Nonlegislative members shall serve for staggered 3–year terms and shall include 6 representatives of employers of migrant workers and 6 representatives of migrant workers and their organizations. Two members of the senate and 2 members of the assembly shall be appointed to act as representatives of the public. Legislative members shall be appointed as are members of standing committees and shall be equally divided between the 2 major political parties.

(11) **SELF-INSURERS COUNCIL.** There is created in the department of workforce development a self-insurers council consisting of 5 members appointed by the secretary of workforce development for 3–year terms.

(13) **WISCONSIN APPRENTICESHIP COUNCIL.** (a) There is created in the department of workforce development a Wisconsin apprenticeship council consisting of all of the following:

1. Nine representatives of employers, appointed by the secretary of workforce development.
2. Nine representatives of employees, appointed by the secretary of workforce development.
3. One representative of the technical college system, appointed by the director of the technical college system.
4. One representative of the department of public instruction, appointed by the state superintendent of public instruction.
5. Two members who represent the public interest, appointed by the secretary of workforce development.

6. One permanent classified employee of the department of workforce development, appointed by the secretary of workforce development, who shall serve as nonvoting chairperson.

(b) All members of the Wisconsin apprenticeship council shall be persons who are familiar with apprenticeable occupations.

(17) **LABOR AND MANAGEMENT COUNCIL.** (a) There is created in the department of workforce development a labor and management council to advise the department of workforce development about sponsoring labor and management conferences and meetings and promoting positive relations between labor and management.

(b) The council shall have 21 members, serving 5–year terms, consisting of:

1. Eight representatives of the labor community in this state.
2. Eight representatives of the management community in this state.
3. Five nonvoting members who are public employees or officials.

**History:** 1971 c. 271; 1975 c. 147 s. 54; 1975 c. 404, 405; 1977 c. 17, 29, 325; 1979 c. 102, 189; 1979 c. 221 ss. 45, 46m; 1981 c. 237, 341; 1983 a. 122, 388; 1985 a. 332; 1987 a. 27, 399; 1989 a. 31, 64; 1991 a. 39, 269, 295; 1993 a. 126, 399; 1995 a. 27 ss. 152 to 165, 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 27, 39; 1999 a. 9, 14; 2001 a. 37; 2009 a. 291.

**15.25 Department of justice; creation.** There is created a department of justice under the direction and supervision of the attorney general.

**15.253 Same; specified divisions. (2) DIVISION OF CRIMINAL INVESTIGATION.** There is created in the department of justice a division of criminal investigation.

**History:** 1979 c. 34 s. 39; 1983 a. 192; 1985 a. 29; 1989 a. 122; 1991 a. 269; 1993 a. 16; 2003 a. 33.

**15.255 Same; attached boards. (1) LAW ENFORCEMENT STANDARDS BOARD.** There is created a law enforcement standards board which is attached to the department of justice under s. 15.03.

(a) The board shall be composed of 15 members as follows:

1. Six representatives of local law enforcement in this state at least one of whom shall be a sheriff and at least one of whom shall be a chief of police.
2. One district attorney holding office in this state.
3. Two representatives of local government in this state who occupy executive or legislative posts.

4. One public member, not employed in law enforcement, who is a citizen of this state.

5. The secretary of transportation or the secretary's designee.

6. The attorney general or a member of the attorney general's staff designated by the attorney general.

7. The executive staff director of the office of justice assistance in the department of administration.

8. The secretary of natural resources or the secretary's designee.

9. The special agent in charge of the Milwaukee office of the federal bureau of investigation, or a member of the special agent's staff designated by the special agent, who shall act in an advisory capacity but shall have no vote.

(b) The members of the board under par. (a) 1. to 4. shall be appointed for staggered 4-year terms, but no member shall serve beyond the time when the member ceases to hold the office or employment by reason of which the member was initially eligible for appointment.

(c) Notwithstanding the provisions of any statute, ordinance, local law or charter provision, membership on the board does not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

**(2) CRIME VICTIMS RIGHTS BOARD.** (a) There is created a crime victims rights board which is attached to the department of justice under s. 15.03.

(b) The crime victims rights board shall be composed of 5 members as follows:

1. One district attorney holding office in this state.

2. One representative of local law enforcement in this state.

3. One person who is employed or contracted by a county board of supervisors under s. 950.06 to provide services for victims and witnesses of crimes.

4. Two members, not employed in law enforcement, by a district attorney or as specified in subd. 3., who are citizens of this state.

(c) The members of the crime victims rights board specified in par. (b) 2. and 3. shall be appointed by the attorney general. One of the members specified in par. (b) 4. shall be appointed by the crime victims council and the other member shall be appointed by the governor. The member specified in par. (b) 1. shall be appointed by the Wisconsin District Attorneys Association.

(d) The members of the crime victims rights board under par. (a) shall be appointed for 4-year terms, but no member shall serve beyond the time when the member ceases to hold the office or employment by reason of which the member was initially eligible for appointment.

(e) Notwithstanding the provisions of any statute, ordinance, local law or charter provision, membership on the crime victims rights board does not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

**History:** 1971 c. 40; 1977 c. 29; 1981 c. 9; 1983 a. 27; 1987 a. 27, 403; 1991 a. 316; 1997 a. 181.

**15.257 Same; councils. (2) CRIME VICTIMS COUNCIL.** There is created in the department of justice a crime victims council consisting of 15 persons appointed by the attorney general for staggered 3-year terms. Of the 15 members, 10 shall be citizen members, 2 shall represent organizations providing victim support services and one each shall be representatives of law enforcement, district attorneys and the judiciary. The citizen members shall have demonstrated sensitivity and concern for crime victims.

**History:** 1979 c. 34, 189; 1981 c. 20; 1985 a. 29 s. 3200 (35); 1985 a. 332; 1987 a. 27; 1997 a. 27, 88.

**15.31 Department of military affairs; creation.** There is created a department of military affairs under the direction and supervision of the adjutant general who shall be appointed by the governor for a 5-year term. The adjutant general may be reappointed to successive terms. Notwithstanding s. 17.28, if a

vacancy occurs in the office of the adjutant general, the governor shall appoint a successor for a 5-year term. A person must meet all of the following requirements to be appointed as the adjutant general:

**(1)** Hold the federally recognized minimum rank of full colonel.

**(2)** Except for those qualified under sub. (4), be a current participating member of one of the following components:

(a) The Wisconsin army national guard.

(b) The army national guard of the United States.

(c) The U.S. army reserve.

(d) The Wisconsin air national guard.

(e) The air national guard of the United States.

(f) The U.S. air force reserve.

**(3)** Be fully qualified to receive federal recognition at the minimum rank of brigadier general and have successfully completed a war college course or the military equivalent acceptable to the appropriate service.

**(4)** If the applicant is already a federally recognized general officer, meet all of the following conditions:

(a) Be retired from active drilling status within the proceeding 2 years.

(b) The basis of the applicant's retired status was service with one of the service components noted in sub. (2).

(c) Be 62 years of age or less.

(d) Continue to be eligible for federal recognition as a major general.

**History:** 1981 c. 35; 1983 a. 391; 1987 a. 63; 1989 a. 19; 2003 a. 25, 321.

**15.313 Same; specified division. (1) DIVISION OF EMERGENCY MANAGEMENT.** There is created in the department of military affairs a division of emergency management. The administrator of this division shall be nominated by the governor and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

**History:** 1989 a. 31 ss. 58, 83; 1995 a. 247.

**15.34 Department of natural resources; creation.**

**(1)** There is created a department of natural resources under the direction and supervision of the natural resources board.

**(2)** (a) The natural resources board shall consist of 7 members appointed for staggered 6-year terms.

(b) At least 3 members of the natural resources board shall be from the territory north, and at least 3 members of the board shall be from the territory south, of a line running east and west through the south limits of the city of Stevens Point.

(c) No person may be appointed to the natural resources board, or remain a member of the board, who receives, or has during the previous 2 years received, a significant portion of his or her income directly or indirectly from holders of or applicants for permits issued by the department under ch. 283, except that this paragraph does not apply to permits issued under s. 283.33.

(d) The majority of members of the natural resources board may not derive a significant portion of their incomes from persons who are subject to permits or enforcement orders under ch. 285. Each board member shall inform the governor of any significant change in the income that he or she derives from persons who are subject to permits or enforcement orders under ch. 285.

(e) The restrictions in pars. (c) and (d) do not apply with respect to permits or licenses held or applied for by agencies, departments, or subdivisions of this state.

**History:** 1973 c. 74; 1991 a. 316; 2001 a. 16.

**15.343 Same; specified divisions. (1) DIVISION OF FORESTRY.** There is created in the department of natural resources a division of forestry.

**History:** 1999 a. 9.

**15.345 Same; attached boards and commissions.**

**(1) WISCONSIN WATERWAYS COMMISSION.** There is created a Wis-

consin waterways commission which is attached to the department of natural resources under s. 15.03.

(a) The commission shall be composed of 5 members appointed for staggered 5–year terms.

1. One resident of the Lake Superior area.
2. One resident of the Lake Michigan area.
3. One resident of the Mississippi River area.
- 3m. One resident of the Lake Winnebago watershed area.
4. One resident from the inland area of the state.

(b) Each member of the commission must be able to assess the recreational water use problems in his or her geographical area of the state.

(c) No member of the commission may receive any salary for services performed as a commission member. Each commission member shall be reimbursed for actual and necessary expenses incurred while performing official duties.

(2) **LAKE SUPERIOR COMMERCIAL FISHING BOARD.** There is created a Lake Superior commercial fishing board attached to the department of natural resources under s. 15.03.

(a) The board shall be composed of 5 members who reside in counties contiguous to Lake Superior appointed by the governor to serve at the governor's pleasure.

(b) The 5 members shall include:

1. Three licensed, active commercial fishers.
2. One licensed, active wholesale fish dealer.
3. One state citizen.

(3) **LAKE MICHIGAN COMMERCIAL FISHING BOARD.** There is created a Lake Michigan commercial fishing board attached to the department of natural resources under s. 15.03.

(a) The board shall be composed of 7 members who reside in counties contiguous to Lake Michigan appointed by the governor to serve at the governor's pleasure.

(b) The 7 members shall include:

1. Five licensed, active commercial fishers; of these, 2 shall represent the fisheries of southern Green Bay and 3 the fisheries of northern Green Bay and Lake Michigan proper.
2. One licensed, active wholesale fish dealer.
3. One state citizen.

(6) **MANAGED FOREST LAND BOARD.** There is created in the department of natural resources a managed forest land board consisting of the chief state forester or his or her designee and the following members appointed for 3–year terms:

(a) One member appointed from a list of 5 nominees submitted by the Wisconsin Counties Association.

(b) One member appointed from a list of 5 nominees submitted by the Wisconsin Towns Association.

(c) One member appointed from a list of 5 nominees submitted by an association that represents the interests of counties that have county forests within their boundaries.

(d) One member appointed from a list of 5 nominees submitted by the council on forestry.

**History:** 1977 c. 274, 418, 447; 1983 a. 27, 410; 1985 a. 29; 1989 a. 31; 1995 a. 27, s. 166m; 1997 a. 27; 2001 a. 16; 2005 a. 25; 2007 a. 20.

**15.347 Same; councils. (2) DRY CLEANER ENVIRONMENTAL RESPONSE COUNCIL.** There is created in the department of natural resources a dry cleaner environmental response council consisting of the following members appointed for 3–year terms:

(a) One member representing dry cleaning operations with annual gross receipts of less than \$200,000.

(b) Two members representing dry cleaning operations with annual gross receipts of at least \$200,000.

(c) One member representing wholesale distributors of dry cleaning solvent.

(d) One engineer, professional geologist, hydrologist or soil scientist with knowledge, experience or education concerning remediation of environmental contamination.

(e) One member representing manufacturers and sellers of dry cleaning equipment.

(4) **NATURAL AREAS PRESERVATION COUNCIL.** There is created in the department of natural resources a natural areas preservation council consisting of the following representatives:

(a) Two from the department of natural resources, appointed by the board of natural resources, one to serve as secretary.

(b) Four from the University of Wisconsin System, appointed by the board of regents of the University of Wisconsin System.

(c) One from the department of public instruction, appointed by the state superintendent of public instruction.

(d) One from the Milwaukee public museum, appointed by its board of directors.

(e) Three appointed by the council of the Wisconsin academy of sciences, arts and letters, at least one representing the private colleges in this state.

(7) **SNOWMOBILE RECREATIONAL COUNCIL.** There is created in the department of natural resources a snowmobile recreational council consisting of 15 members nominated by the governor, and with the advice and consent of the senate, appointed for staggered 3–year terms. Commencing on July 1, 1972, 5 members shall be appointed to serve for one year, 5 members for 2 years and 5 members for 3 years. Thereafter all terms shall be for 3 years with 5 positions on the council to expire each year. At least 5 members of the council shall be from the territory north, and at least 5 members shall be from the territory south, of a line running east and west through the south limits of the city of Stevens Point.

(8) **SMALL BUSINESS ENVIRONMENTAL COUNCIL.** There is created in the department of natural resources a small business environmental council consisting of the following members appointed for 3–year terms:

(a) Three members to represent the general public who are not owners, or representatives of owners, of small business stationary sources, as defined in s. 285.79 (1).

(b) One member who owns a small business stationary source, as defined in s. 285.79 (1), or who represents owners of small business stationary sources, appointed by the president of the senate.

(c) One member who owns a small business stationary source, as defined in s. 285.79 (1), or who represents owners of small business stationary sources, appointed by the speaker of the assembly.

(d) One member who owns a small business stationary source, as defined in s. 285.79 (1), or who represents owners of small business stationary sources, appointed by the minority leader of the senate.

(e) One member who owns a small business stationary source, as defined in s. 285.79 (1), or who represents owners of small business stationary sources, appointed by the minority leader of the assembly.

(f) One member appointed by the secretary of natural resources to represent the department of natural resources.

(12) **METALLIC MINING COUNCIL.** There is created in the department of natural resources a metallic mining council consisting of 9 persons representing a variety and balance of economic, scientific and environmental viewpoints. Members shall be appointed by the secretary of the department for staggered 3–year terms.

(13) **GROUNDWATER COORDINATING COUNCIL.** (a) *Creation.* There is created a groundwater coordinating council, attached to the department of natural resources under s. 15.03. The council shall perform the functions specified under s. 160.50.

(b) *Members.* The groundwater coordinating council shall consist of the following members:

1. The secretary of natural resources.
2. The secretary of safety and professional services.
3. The secretary of agriculture, trade and consumer protection.
4. The secretary of health services.



5. The secretary of transportation.
6. The president of the University of Wisconsin System.
7. The state geologist.
8. One person to represent the governor.

(c) *Designees.* Under par. (b), agency heads may appoint designees to serve on the council, if the designee is an employee or appointive officer of the agency who has sufficient authority to deploy agency resources and directly influence agency decision making.

(d) *Terms.* Members appointed under par. (b) 8. shall be appointed to 4-year terms.

(e) *Staff.* The state agencies with membership on the council and its subcommittees shall provide adequate staff to conduct the functions of the council.

(f) *Meetings.* The council shall meet at least twice each year and may meet at other times on the call of 3 of its members. Section 15.09 (3) does not apply to meetings of the council.

(g) *Annual report.* In August of each year, the council shall submit to the head of each agency with membership on the council, the governor and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a report which summarizes the operations and activities of the council during the fiscal year concluded on the preceding June 30, describes the state of the groundwater resource and its management and sets forth the recommendations of the council. The annual report shall include a description of the current groundwater quality in the state, an assessment of groundwater management programs, information on the implementation of ch. 160 and a list and description of current and anticipated groundwater problems. In each annual report, the council shall include the dissents of any council member to the activities and recommendations of the council.

**(15) MILWAUKEE RIVER REVITALIZATION COUNCIL.** (a) There is created in the department of natural resources a Milwaukee River revitalization council consisting of:

1. The secretary of natural resources or his or her designee.
2. The secretary of tourism or his or her designee.
3. Eleven members appointed by the governor for 3-year terms.
4. At least one council member shall represent each of the priority watersheds, as identified under s. 281.65 (4) (cm), that are located in the Milwaukee River basin.

(b) The council shall elect its officers under s. 15.09 (2).

(d) Any member designated under par. (a) 1. or 2. or any member appointed under par. (a) 3. who is absent from 4 consecutive meetings vacates his or her position.

**(16) STATE TRAILS COUNCIL.** There is created in the department of natural resources a state trails council consisting of 9 members, appointed for 4-year terms, who are knowledgeable in the various recreational uses of trails.

**(17) COUNCIL ON RECYCLING.** (a) *Creation and membership.* There is created a council on recycling, attached to the department of natural resources under s. 15.03, consisting of 7 members selected by the governor.

(c) *Terms.* Each member of the council on recycling designated under par. (a) shall serve a 4-year term expiring on the date that the next term of governor commences under s. 8.25 (4) (b) 2. or until a successor is appointed.

**(18) INVASIVE SPECIES COUNCIL.** (a) There is created an invasive species council, attached to the department of natural resources under s. 15.03.

(b) The council consists of the following members:

1. The secretary of natural resources or his or her designee.
2. The secretary of administration or his or her designee.
3. The secretary of agriculture, trade and consumer protection or his or her designee.
5. The secretary of tourism or his or her designee.

6. The secretary of transportation or his or her designee.

7. Seven other members appointed by the governor to serve 5-year terms.

(c) The members appointed under par. (b) 7. shall represent public and private interests that are affected by the presence of invasive species in this state.

**(19) COUNCIL ON FORESTRY.** (a) There is created in the department of natural resources a council of forestry consisting of:

1. The chief state forester or his or her designee.
2. One member of the senate.
3. One member of the senate.
4. One member of the assembly.
5. One member of the assembly.
6. One member who represents the interests of a forest products company that owns and manages large tracts of private forest land that supply raw materials to the forest products industry.
7. One member who represents the interests of owners of non-industrial, private forest land who manage the land to produce ecological, economic, and social benefits.
8. One member who represents the interests of counties that have county forests within their boundaries.
9. One member who represents the interests of the paper and pulp industry.
10. One member who represents the interests of the lumber industry.

11. One member who represents the interests of nonprofit conservation organizations whose purposes include the conservation and use of forest resources.

12. One member who is a forester who engages in the practice of providing consultation services on forestry issues.

13. One member who represents the interests of schools of forestry within the state that have curricula in the management of forest resources that are accredited by the Society of American Foresters.

14. One member who represents the interests of persons who engage in the practice of conservation education.

15. One member who represents the interests of persons who are members of labor unions that are affiliated with the forestry industry.

16. One member who represents the interests of persons who are engaged in the practice of urban and community forestry.

17. One member who represents the interests of persons who are members of the Society of American Foresters.

18. One member who represents the interests of persons who are members of an organization of timber producers.

19. One person who represents the interests of persons who are engaged in an industry that uses secondary wood.

20. One member who is employed by the federal department of agriculture, forest service, who shall be a nonvoting member.

(b) Each member specified in par. (a) shall be appointed by the governor.

(d) The governor shall annually appoint a chairperson for the council from among its members before the first meeting of each year, and the chairperson, at the first meeting of each year, shall annually appoint the vice chairperson and secretary from among the council's members. Any of these appointees may be appointed for successive terms.

(e) The council shall meet 4 times each year and shall also meet on the call of the chairperson of the council or on the call of a majority of its members. Notwithstanding s. 15.09 (3), the council shall meet at such locations within this state as may be designated by the chairperson of the council or by a majority of its members.

**(20) NONMOTORIZED RECREATION AND TRANSPORTATION TRAILS COUNCIL.** (a) There is created in the department of natural resources a nonmotorized recreation and transportation trails council.

(b) The governor shall appoint members of the council to serve at the pleasure of the governor. In appointing the members of the council, the governor shall seek geographic diversity in the membership. The governor shall appoint members who personally undertake nonmotorized trail activities or who participate in organizations that own or maintain nonmotorized trails or that promote nonmotorized trail activities. The governor shall appoint members who represent as many as possible of the following groups, or who represent persons who engage in other nonmotorized trail activities or who have other interests related to nonmotorized trail uses identified by the governor:

1. Persons who engage in activities on water trails.
2. Pedestrians.
3. Persons who engage in horseback riding and buggy driving.
4. Persons who engage in long-distance hiking.
5. Persons who engage in nature-based activities, such as bird watching, nature study, hunting, and fishing.
6. Persons who engage in snow sports.
7. Persons who engage in bicycling of all forms, including trail riding, mountain biking, commuting, and long-distance bicycling.
8. Persons who represent local forests or parks.
9. Persons with physical disabilities who engage in nonmotorized trail activities.
10. Persons who are interested in tourism promotion.
11. Persons who represent tribal lands.

(c) If any member of the council is unable to attend a meeting of the council, the secretary of natural resources may appoint an alternate for that meeting to ensure that the full range of nonmotorized trails interests and activities is represented at the meeting.

**History:** 1971 c. 100 s. 23; 1971 c. 164, 211, 277, 307, 323; 1973 c. 12, 301, 318; 1975 c. 39, 198, 224, 412; 1977 c. 29 ss. 51, 52, 52d, 1650m (1), (4); 1977 c. 377; 1979 c. 34 ss. 39g, 39r, 2102 (39) (g), (58) (b); 1979 c. 221, 355; 1979 c. 361 s. 112; 1981 c. 346 s. 38; 1983 a. 410; 1985 a. 29 ss. 87h, 87m, 3200 (39); 1985 a. 65, 296, 332; 1987 a. 27, 186, 399; 1989 a. 11, 31, 335; 1991 a. 32, 39, 269, 302, 316; 1993 a. 16, 464; 1995 a. 27 ss. 169 to 175b, 9116 (5) and 9126 (19); 1995 a. 227; 1997 a. 27, 300; 2001 a. 109; 2005 a. 168; 2007 a. 20 s. 9121 (6) (a); 2009 a. 394; 2011 a. 32 ss. 117b, 125, 126.

**15.348 Conservation congress.** The conservation congress shall be an independent organization of citizens of the state and shall serve in an advisory capacity to the natural resources board on all matters under the jurisdiction of the board. Its records, budgets, studies and surveys shall be kept and established in conjunction with the department of natural resources. Its reports shall be an independent advisory opinion of such congress.

**History:** 1971 c. 179.

**15.37 Department of public instruction; creation.** There is created a department of public instruction under the direction and supervision of the state superintendent of public instruction.

**History:** 1971 c. 125; 1995 a. 27; 1997 a. 27.

**15.373 Same; specified divisions. (1) DIVISION FOR LEARNING SUPPORT, EQUITY AND ADVOCACY.** There is created in the department of public instruction a division for learning support, equity and advocacy.

**(2) DIVISION FOR LIBRARIES, TECHNOLOGY, AND COMMUNITY LEARNING.** There is created in the department of public instruction a division for libraries, technology, and community learning.

**History:** 1983 a. 27 s. 2200 (42); 1993 a. 335; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2001 a. 48.

**15.374 Same; offices. (1) OFFICE OF EDUCATIONAL ACCOUNTABILITY.** There is created an office of educational accountability in the department of public instruction. The director of the office shall be appointed by the state superintendent of public instruction.

**History:** 1993 a. 16; 1995 a. 27; 1997 a. 27.

**15.375 Same; attached boards. (2) SCHOOL DISTRICT BOUNDARY APPEAL BOARD.** There is created a school district boundary appeal board in the department of public instruction. The board shall consist of 12 school board members appointed by the state superintendent of public instruction for staggered 2-year terms and the state superintendent of public instruction or his or her designee. Four board members shall be school board members of school districts with small enrollments, 4 board members shall be school board members of school districts with medium enrollments and 4 board members shall be school board members of school districts with large enrollments. No 2 school board members of the board may reside within the boundaries of the same cooperative educational service agency.

**History:** 1979 c. 346; 1983 a. 27; 1989 a. 114, 299; 1991 a. 39; 1993 a. 399; 1995 a. 27 ss. 179 to 182, 9127 (1) and 9145 (1); 1997 a. 27.

**Cross-reference:** See also s. PI 2.05, Wis. adm. code.

**15.377 Same; councils. (1) BLIND AND VISUAL IMPAIRMENT EDUCATION COUNCIL. (a) Definition.** In this subsection, “visually impaired” has the meaning given in s. 115.51 (4).

**(b) Creation.** There is created a blind and visual impairment education council in the department of public instruction.

**(c) Members.** The blind and visual impairment education council shall consist of the following members, at least one of whom has been certified by the library of congress as a braille transcriber, appointed by the state superintendent for 3-year terms:

1. Three parents of children who are visually impaired.
2. Three persons who are members of an organization affiliated with persons who are visually impaired.
3. Three licensed teachers, one of whom is a teacher of the visually impaired, one of whom is an orientation and mobility teacher and one of whom is a general education teacher.
4. One school board member.
5. One school district administrator.
6. One school district special education director.
7. One cooperative educational service agency representative.

8. One person who has experience in educating the visually impaired or in educating teachers of the visually impaired and is affiliated with an institution of higher education.

9. Three other members, at least one of whom is visually impaired.

**(2) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL.** There is created a deaf and hard-of-hearing education council in the department of public instruction. The council shall consist of the following members, at least 3 of whom must be hearing impaired, appointed by the state superintendent of public instruction for 3-year terms:

- (a) Two parents of children who are hearing impaired.
- (b) One licensed teacher of pupils who are hearing impaired.
- (c) One person who is licensed as a speech-language pathologist under subch. II of ch. 459.
- (d) One school district special education director.
- (e) One person who is licensed as an audiologist under subch. II of ch. 459 and whose expertise is in educational audiology.
- (f) One person who is experienced in educating the hearing impaired, or in educating teachers of the hearing impaired, and is affiliated with an institution of higher education.
- (g) One person who is an instructor in a technical college interpreter training program.
- (h) One person employed as an educational interpreter.
- (i) Three other members.

**(4) COUNCIL ON SPECIAL EDUCATION.** There is created in the department of public instruction a council on special education to advise the state superintendent of public instruction about the unmet educational needs of children with disabilities, in developing evaluations and reporting on data to the federal department of

education, in developing plans to address findings identified in federal monitoring reports, in developing and implementing policies relating to the coordination of services for children with disabilities and on any other matters upon which the state superintendent wishes the council's opinion; and to comment publicly on any rules proposed by the department of public instruction regarding the education of children with disabilities. The state superintendent of public instruction shall appoint the members of the council for 3-year terms, and shall ensure that a majority of the members are individuals with disabilities or parents of children with disabilities and that the council is representative of the state population, as determined by the state superintendent. The council shall be composed of individuals who are involved in, or concerned with, the education of children with disabilities, including all of the following:

- (a) Teachers of regular education and teachers of special education.
- (b) Representatives of institutions of higher education that train special education and related services personnel.
- (c) State and local education officials.
- (d) Administrators of programs for children with disabilities.
- (e) Representatives of agencies other than the department of public instruction involved in the financing or delivery of related services to children with disabilities.
- (f) Representatives of private schools, charter schools, and tribal schools, as defined in s. 115.001 (15m).
- (g) At least one representative of a vocational, community or business organization that provides transition services for children with disabilities.
- (h) Representatives from the department of corrections.
- (i) Parents of children with disabilities.
- (j) Individuals with disabilities.

**(6) COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT.** There is created in the department of public instruction a council on library and network development composed of 19 members. Nine of the members shall be library science, audiovisual and informational science professionals representative of various types of libraries and information services, including public libraries, public library systems, school libraries, public and private academic libraries, special libraries and library educators. Ten of the members shall be public members who have demonstrated an interest in libraries or other types of information services. The members of the council shall be appointed for 3-year terms. The council shall meet 6 times annually and shall meet also on the call of the state superintendent of public instruction, and may meet at other times on the call of the chairperson or a majority of its members.

**(8) PROFESSIONAL STANDARDS COUNCIL FOR TEACHERS.** (a) *Definition.* In this subsection, "labor organization" means an association of employee organizations that represents the public policy, labor and professional interests of teachers.

(b) *Creation.* There is created a professional standards council for teachers in the department of public instruction.

(c) *Members.* The professional standards council for teachers shall consist of the following members, nominated by the state superintendent of public instruction and with the advice and consent of the senate appointed:

- 1. Two persons licensed and actively employed as elementary school teachers in the public schools, recommended by the largest statewide labor organization representing teachers.
- 2. Two persons licensed and actively employed as middle school, junior high school or senior high school teachers in the public schools, recommended by the largest statewide labor organization representing teachers.
- 3. Two persons licensed and actively employed as pupil services professionals, as defined in s. 118.257 (1) (c), in the public schools, recommended by the largest statewide labor organization representing teachers.

4. One person licensed and actively employed as a special education teacher in the public schools, recommended by the largest statewide labor organization representing teachers.

5. Two other persons licensed and actively employed as teachers in the public schools, recommended by the largest statewide labor organization representing teachers.

5m. One person licensed as a teacher and actively employed in a private school, recommended by the Wisconsin Council of Religious and Independent Schools.

6. One person actively employed as a public school district administrator, recommended by the Wisconsin Association of School District Administrators.

7. One person actively employed as a public school principal, recommended by the Association of Wisconsin School Administrators.

8. One faculty member of a department or School of Education in the University of Wisconsin System, recommended by the president of the University of Wisconsin System.

9. One faculty member of a department or School of Education in a private college in Wisconsin, recommended by the Wisconsin Association of Independent Colleges and Universities.

10. One additional faculty member, appointed from the list of persons recommended under subd. 8. or 9.

11. Two members of public school boards, recommended by the Wisconsin Association of School Boards.

12. One person who is a parent of a child who is enrolled in a public school.

13. One person who is a student enrolled in a teacher preparatory program, located in this state, that leads to initial licensure as a teacher.

14. One person licensed as a teacher and actively employed in a tribal school, as defined in s. 115.001 (15m), recommended by a federally recognized American Indian tribe or band in this state that has a tribal school.

(d) *Recommendations.* For each vacancy on the council under par. (c) 1. to 9. and 11., the entity authorized to recommend a member shall provide the names of 3 qualified persons to the state superintendent of public instruction.

(e) *Terms.* Members of the council shall serve 3-year terms except that the student appointed under par. (c) 13. shall serve a 2-year term.

(f) *Meetings.* The council shall meet on a regular basis and at least twice each year.

**History:** 1971 c. 152, 211, 292; 1973 c. 89, 220, 336; 1977 c. 29; 1979 c. 346, 347; 1985 a. 29, 177; 1987 a. 27; 1989 a. 31; 1993 a. 184, 399; 1995 a. 27 ss. 183 to 187, 9126 (19), 9145 (1); 1997 a. 27, 164, 298; 1999 a. 9, 100, 186; 2001 a. 57; 2005 a. 121; 2009 a. 302.

**15.40 Department of safety and professional services; creation.** There is created a department of safety and professional services under the direction and supervision of the secretary of safety and professional services.

**History:** 1971 c. 270 s. 104; 1975 c. 39; 1977 c. 29; 1977 c. 196 s. 131; 1977 c. 418 ss. 24 to 27; 2011 a. 32.

#### **15.405 Same; attached boards and examining boards.**

**(1) ACCOUNTING EXAMINING BOARD.** There is created an accounting examining board in the department of safety and professional services. The examining board shall consist of 7 members, appointed for staggered 4-year terms. Five members shall hold certificates as certified public accountants and be eligible for licensure to practice in this state. Two members shall be public members.

**(1m) BUILDING INSPECTOR REVIEW BOARD.** (a) There is created a building inspector review board which is attached to the department of safety and professional services under s. 15.03 that consists of the following members:

- 1. The senate majority leader or his or her designee.
- 2. The speaker of the assembly or his or her designee.



3. The secretary of safety and professional services or his or her designee.

4. A member representing building contractors and building developers who is actively engaged in the on-site construction of public buildings, places of employment, or one-family and two-family dwellings.

5. A building inspector certified by the department of safety and professional services, to inspect public buildings, places of employment, or one-family and two-family dwellings.

(b) The members appointed under par. (a) 4. and 5. shall serve for 5-year terms.

**(2) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS.** There is created an examining board of architects, landscape architects, professional engineers, designers and land surveyors in the department of safety and professional services. Any professional member appointed to the examining board shall be registered to practice architecture, landscape architecture, professional engineering, the design of engineering systems or land surveying under ch. 443. The examining board shall consist of the following members appointed for 4-year terms: 3 architects, 3 landscape architects, 3 professional engineers, 3 designers, 3 land surveyors and 10 public members.

(a) In operation, the examining board shall be divided into an architect section, a landscape architect section, an engineer section, a designer section and a land surveyor section. Each section shall consist of the 3 members of the named profession appointed to the examining board and 2 public members appointed to the section. The examining board shall elect its own officers, and shall meet at least twice annually.

(b) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of registration, and all other matters of interest to either the architect, landscape architect, engineer, designer or land surveyor section shall be acted upon solely by the interested section.

(c) All matters of joint interest shall be considered by joint meetings of all sections of the examining board or of those sections to which the problem is of interest.

**(2m) EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS.** (a) There is created in the department of safety and professional services an examining board of professional geologists, hydrologists and soil scientists consisting of the following members appointed for 4-year terms:

1. Three members who are professional geologists licensed under ch. 470.

2. Three members who are professional hydrologists licensed under ch. 470.

3. Three members who are professional soil scientists licensed under ch. 470.

4. Three public members.

(b) In operation, the examining board shall be divided into a professional geologist section, a professional hydrologist section and a professional soil scientist section. Each section shall consist of the 3 members of the named profession appointed to the examining board and one public member appointed to the section. The examining board shall elect its own officers, and shall meet at least twice annually.

(c) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of licenses, and all other matters of interest to either the professional geologist, hydrologist or soil scientist section shall be acted upon solely by the interested section.

(d) All matters of joint interest shall be considered by joint meetings of all sections of the examining board or of those sections to which the matter is of interest.

**(3) AUCTIONEER BOARD.** (a) There is created in the department of safety and professional services an auctioneer board consisting of the following members appointed for 4-year terms:

1. Four members, each of whom is registered under ch. 480 as an auctioneer, or is an auction company representative, as defined in s. 480.01 (3), of an auction company that is registered under ch. 480 as an auction company.

2. Three public members.

(b) No member of the board may serve more than 2 terms.

**(3m) CEMETERY BOARD.** (a) In this subsection:

1. “Business representative” has the meaning given in s. 452.01 (3k).

2. “Licensed cemetery authority” means a cemetery authority that is licensed under s. 440.91 (1).

(b) There is created in the department of safety and professional services a cemetery board consisting of the following members, who shall serve 4-year terms:

1. Four members, each of whom is a business representative of a licensed cemetery authority.

2. Two public members.

(c) No member of the cemetery board may be a business representative of a religious cemetery authority, unless the religious cemetery is regulated by the board.

(d) No member of the cemetery board may serve more than 2 terms.

**(5) CHIROPRACTIC EXAMINING BOARD.** There is created a chiropractic examining board in the department of safety and professional services. The chiropractic examining board shall consist of 6 members, appointed for staggered 4-year terms. Four members shall be graduates from a school of chiropractic and licensed to practice chiropractic in this state. Two members shall be public members. No person may be appointed to the examining board who is in any way connected with or has a financial interest in any chiropractic school.

**(5g) CONTROLLED SUBSTANCES BOARD.** There is created in the department of safety and professional services a controlled substances board consisting of the attorney general, the secretary of health services and the secretary of agriculture, trade and consumer protection, or their designees; the chairperson of the pharmacy examining board or a designee; and one psychiatrist and one pharmacologist appointed for 3-year terms.

**(6) DENTISTRY EXAMINING BOARD.** There is created a dentistry examining board in the department of safety and professional services consisting of the following members appointed for 4-year terms:

(a) Six dentists who are licensed under ch. 447.

(b) Three dental hygienists who are licensed under ch. 447. Notwithstanding s. 15.08 (1m) (a), the dental hygienist members may participate in the preparation and grading of licensing examinations for dental hygienists.

(c) Two public members.

**(6m) HEARING AND SPEECH EXAMINING BOARD.** There is created a hearing and speech examining board in the department of safety and professional services consisting of the following members appointed for 4-year terms:

(a) Three hearing instrument specialists licensed under subch. I of ch. 459.

(b) One otolaryngologist.

(c) Two audiologists licensed under subch. II of ch. 459.

(d) Two speech-language pathologists licensed under subch. II of ch. 459.

(e) Two public members. One of the public members shall be a hearing aid user.

**(7) MEDICAL EXAMINING BOARD.** (a) There is created a medical examining board in the department of safety and professional services.

(b) The medical examining board shall consist of the following members appointed for staggered 4-year terms:

1. Nine licensed doctors of medicine.

2. One licensed doctor of osteopathy.

3. Three public members.

(c) The chairperson of the injured patients and families compensation fund peer review council under s. 655.275 shall serve as a nonvoting member of the medical examining board.

**(7c) MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD.** (a) There is created a marriage and family therapy, professional counseling, and social work examining board in the department of safety and professional services consisting of the following members appointed for 4-year terms:

1. Four social worker members who are certified or licensed under ch. 457.

2. Three marriage and family therapist members who are licensed under ch. 457.

3. Three professional counselor members who are licensed under ch. 457.

4. Three public members who represent groups that promote the interests of consumers of services provided by persons who are certified or licensed under ch. 457.

(am) The 4 members appointed under par. (a) 1. shall consist of the following:

1. One member who is certified under ch. 457 as an advanced practice social worker.

2. One member who is certified under ch. 457 as an independent social worker.

3. One member who is licensed under ch. 457 as a clinical social worker.

4. At least one member who is employed as a social worker by a federal, state or local governmental agency.

(b) In operation, the examining board shall be divided into a social worker section, a marriage and family therapist section and a professional counselor section. The social worker section shall consist of the 4 social worker members of the examining board and one of the public members of the examining board. The marriage and family therapist section shall consist of the 3 marriage and family therapist members of the examining board and one of the public members of the examining board. The professional counselor section shall consist of the 3 professional counselor members of the examining board and one of the public members of the examining board.

(c) All matters pertaining to granting, denying, limiting, suspending, or revoking a certificate or license under ch. 457, and all other matters of interest to either the social worker, marriage and family therapist, or professional counselor section shall be acted upon solely by the interested section of the examining board.

(d) All matters that the examining board determines are of joint interest shall be considered by joint meetings of all sections of the examining board or of those sections to which the problem is of interest.

(e) Notwithstanding s. 15.08 (4) (a), at a joint meeting of all sections of the examining board, a majority of the examining board constitutes a quorum to do business only if at least 8 members are present at the meeting. At a meeting of a section of the examining board or a joint meeting of 2 or more of the sections of the examining board, each member who is present has one vote, except as provided in par. (f).

(f) At a joint meeting of the social worker section and one or both of the other sections of the examining board, each member who is present has one vote, except that the social worker members each have three-fourths of a vote if all 4 of those members are present.

**(7e) RADIOGRAPHY EXAMINING BOARD.** There is created in the department of safety and professional services a radiography examining board consisting of the following 7 members appointed for 4-year terms:

(a) Three members who practice radiography and who are licensed under s. 462.03 (2).

(b) One member who is a physician licensed under s. 448.04 (1) (a) and certified in radiology by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiologists, or the Royal College of Physicians and Surgeons of Canada.

(c) One member who is a radiologic physicist certified by the American Board of Radiology.

(d) Two public members.

**(7g) BOARD OF NURSING.** There is created a board of nursing in the department of safety and professional services. The board of nursing shall consist of the following members appointed for staggered 4-year terms: 5 currently licensed registered nurses under ch. 441; 2 currently licensed practical nurses under ch. 441; and 2 public members. Each registered nurse member shall have graduated from a program in professional nursing and each practical nurse member shall have graduated from a program in practical nursing accredited by the state in which the program was conducted.

**(7m) NURSING HOME ADMINISTRATOR EXAMINING BOARD.** There is created a nursing home administrator examining board in the department of safety and professional services consisting of 9 members appointed for staggered 4-year terms and the secretary of health services or a designee, who shall serve as a nonvoting member. Five members shall be nursing home administrators licensed in this state. One member shall be a physician. One member shall be a nurse licensed under ch. 441. Two members shall be public members. No more than 2 members may be officials or full-time employees of this state.

**(7r) PHYSICAL THERAPY EXAMINING BOARD.** There is created in the department of safety and professional services a physical therapy examining board consisting of the following members appointed for staggered 4-year terms:

(a) Three physical therapists who are licensed under subch. III of ch. 448.

(am) One physical therapist assistant licensed under subch. III of ch. 448.

(b) One public member.

**(8) OPTOMETRY EXAMINING BOARD.** There is created an optometry examining board in the department of safety and professional services. The optometry examining board shall consist of 7 members appointed for staggered 4-year terms. Five of the members shall be licensed optometrists in this state. Two members shall be public members.

**(9) PHARMACY EXAMINING BOARD.** There is created a pharmacy examining board in the department of safety and professional services. The pharmacy examining board shall consist of 7 members appointed for staggered 4-year terms. Five of the members shall be licensed to practice pharmacy in this state. Two members shall be public members.

**(10m) PSYCHOLOGY EXAMINING BOARD.** There is created in the department of safety and professional services a psychology examining board consisting of 6 members appointed for staggered 4-year terms. Four of the members shall be psychologists licensed in this state. Each of the psychologist members shall represent a different specialty area within the field of psychology. Two members shall be public members.

**(10r) REAL ESTATE APPRAISERS BOARD.** (a) There is created a real estate appraisers board in the department of safety and professional services consisting of the following members appointed for 4-year terms:

1. Three appraisers who are certified or licensed under ch. 458.

2. One assessor, as defined in s. 458.09 (1).

3. Three public members.

(b) Of the appraiser members of the board, one shall be certified under s. 458.06 as a general appraiser, one shall be certified under s. 458.06 as a residential appraiser and one shall be licensed under s. 458.08 as an appraiser. No public member of the board

may be connected with or have any financial interest in an appraisal business or in any other real estate–related business. Section 15.08 (1m) (am) applies to the public members of the board. No member of the board may serve more than 2 consecutive terms.

(c) Notwithstanding s. 15.07 (4), a majority of the board constitutes a quorum to do business only if at least 2 of the members present are appraiser members and at least one of the members present is a public member.

**(11m) REAL ESTATE EXAMINING BOARD.** There is created a real estate examining board in the department of safety and professional services. The real estate examining board shall consist of 7 members appointed to staggered 4–year terms. Five of the members shall be real estate brokers or salespersons licensed in this state. Two members shall be public members. No member may serve more than 2 terms.

**(12) VETERINARY EXAMINING BOARD.** There is created a veterinary examining board in the department of safety and professional services. The veterinary examining board shall consist of 8 members appointed to staggered 4–year terms. Five of the members shall be licensed veterinarians in this state. One member shall be a veterinary technician certified in this state. Two members shall be public members. No member of the examining board may in any way be financially interested in any school having a veterinary department or a course of study in veterinary or animal technology.

**(16) FUNERAL DIRECTORS EXAMINING BOARD.** There is created a funeral directors examining board in the department of safety and professional services. The funeral directors examining board shall consist of 6 members appointed to staggered 4–year terms. Four members shall be licensed funeral directors under ch. 445 in this state. Two members shall be public members.

**(17) BARBERING AND COSMETOLOGY EXAMINING BOARD.** There is created a barbering and cosmetology examining board in the department of safety and professional services. The barbering and cosmetology examining board shall consist of 9 members appointed for 4–year terms. Four members shall be licensed barbers, aestheticians, or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of barbering or cosmetology, one member shall be a representative of a public school of barbering or cosmetology and one member shall be a licensed electrologist. Except for the 2 members representing schools, no member may be connected with or have any financial interest in a barbering or cosmetology school.

**History:** 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417; 1997 a. 96, 252, 300; 2001 a. 16, 80; 2003 a. 111, 270; 2005 a. 25, 314; 2007 a. 20 s. 9121 (6) (a); 2009 a. 106; 2009 a. 149 s. 3; 2011 a. 32 ss. 110, 130 to 153.

An incumbent real estate examining board member is entitled to hold over in office until a successor is duly appointed and confirmed by the senate. The board was without authority to reimburse the nominee for expenses incurred in attending a meeting during an orientation period prior to confirmation. 63 Atty. Gen. 192.

#### **15.406 Same; attached affiliated credentialing boards.**

**(2) DIETITIANS AFFILIATED CREDENTIALING BOARD.** There is created in the department of safety and professional services, attached to the medical examining board, a dietitians affiliated credentialing board consisting of the following members appointed for 4–year terms:

- (a) Three dietitians who are certified under subch. V of ch. 448.
- (b) One public member.

**(3) PODIATRY AFFILIATED CREDENTIALING BOARD.** There is created in the department of safety and professional services, attached to the medical examining board, a podiatry affiliated credentialing board consisting of the following members appointed for 4–year terms:

- (a) Three podiatrists who are licensed under subch. IV of ch. 448.
- (b) One public member.

**(4) ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD.** There is created in the department of safety and professional services, attached to the medical examining board, an athletic trainers affiliated credentialing board consisting of the following members appointed for 4–year terms:

- (a) Four athletic trainers who are licensed under subch. VI of ch. 448 and who have not been issued a credential in athletic training by a governmental authority in a jurisdiction outside this state. One of the athletic trainer members may also be licensed under ch. 446 or 447 or subch. II, III or IV of ch. 448.

- (b) One member who is licensed to practice medicine and surgery under subch. II of ch. 448 and who has experience with athletic training and sports medicine.

- (c) One public member.

**(5) OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD.** There is created in the department of safety and professional services, attached to the medical examining board, an occupational therapists affiliated credentialing board consisting of the following members appointed for 4–year terms:

- (a) Three occupational therapists who are licensed under subch. VII of ch. 448.

- (b) Two occupational therapy assistants who are licensed under subch. VI of ch. 448.

- (c) Two public members.

**(6) MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD.** (a) There is created in the department of safety and professional services, attached to the medical examining board, a massage therapy and bodywork therapy affiliated credentialing board. The affiliated credentialing board shall consist of the following 7 members appointed for 4–year terms:

1. Six massage therapists or bodywork therapists licensed under ch. 460 who have engaged in the practice of massage therapy or bodywork therapy for at least 2 years preceding appointment. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy school approved by the educational approval board under s. 38.50. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy program offered by a technical college in this state. No other members appointed under this subdivision shall be directly or indirectly affiliated with a massage therapy or bodywork therapy school or program.

2. One public member who satisfies the requirements under s. 460.03 (2m) (b).

- (b) In appointing members under par. (a), the governor shall ensure, to the maximum extent practicable, that the membership of the affiliated credentialing board is diverse, based on all of the following factors:

1. Massage or bodywork therapies practiced in this state.
2. Affiliation and nonaffiliation with a professional association for the practice of massage therapy or bodywork therapy.
3. Professional associations with which massage therapists or bodywork therapists in this state are affiliated.
4. Practice in urban and rural areas in this state.

**History:** 1993 a. 107, 443; 1997 a. 75, 175; 1999 a. 9, 180; 2001 a. 70; 2009 a. 113, 149; 2009 a. 355 s. 3m; 2011 a. 32.

**15.407 Same; councils. (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL.** There is created a respiratory care practitioners examining council in the department of safety and professional services and serving the medical examining board in an advisory capacity in the formulating of rules to be promulgated by the medical examining board for the regulation of respiratory care practitioners. The respiratory care practitioners examining council shall consist of 3 certified respiratory care practitioners, each of whom shall have engaged in the practice of respiratory care for at least 3 years preceding appointment, one physician and one public member. The respiratory care practitioner and physician members shall be appointed by the medical examining board. The members of the examining council shall serve 3–year terms.



Section 15.08 (1) to (4) (a) and (6) to (10) shall apply to the respiratory care practitioners examining council.

**(2) COUNCIL ON PHYSICIAN ASSISTANTS.** There is created a council on physician assistants in the department of safety and professional services and serving the medical examining board in an advisory capacity. The council's membership shall consist of:

(a) The vice chancellor for health sciences of the University of Wisconsin–Madison or the vice chancellor's designee.

(b) One public member appointed by the governor for a 2-year term.

(c) Three physician assistants selected by the medical examining board for staggered 2-year terms.

**(2m)** There is created a perfusionists examining council in the department of safety and professional services and serving the medical examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

(a) Three licensed perfusionists appointed by the medical examining board.

(b) One physician who is a cardiothoracic surgeon or a cardiovascular anesthesiologist and who is appointed by the medical examining board.

(c) One public member appointed by the governor.

**(3) EXAMINING COUNCILS; BOARD OF NURSING.** The following examining councils are created in the department of safety and professional services to serve the board of nursing in an advisory capacity. Section 15.08 (1) to (4) (a) and (6) to (10), applies to the examining councils.

(a) *Registered nurses.* There is created an examining council on registered nurses to consist of 4 registered nurses of not less than 3 years' experience in nursing, appointed by the board of nursing for staggered 4-year terms.

(b) *Practical nurses.* There is created an examining council on licensed practical nurses to consist of one registered nurse, 3 licensed practical nurses and one registered nurse who is a faculty member of an accredited school for practical nurses, appointed by the board of nursing for staggered 3-year terms. No member may be a member of the examining council on registered nurses.

**(5) COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS.** There is created in the department of safety and professional services a council on real estate curriculum and examinations consisting of 7 members appointed for 4-year terms. Five members shall be real estate brokers or salespersons licensed under ch. 452 and 2 members shall be public members. Of the real estate broker or salesperson members, one member shall be a member of the real estate examining board appointed by the real estate examining board, at least 2 members shall be licensed real estate brokers with at least 5 years of experience as real estate brokers, and at least one member shall be a licensed real estate salesperson with at least 2 years of experience as a real estate salesperson. Of the 2 public members, at least one member shall have at least 2 years of experience in planning or presenting real estate educational programs. No member of the council may serve more than 2 consecutive terms.

**(6) PHARMACIST ADVISORY COUNCIL.** There is created a pharmacist advisory council in the department of safety and professional services and serving the pharmacy examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

(a) Two pharmacists licensed under ch. 450 appointed by the chairperson of the pharmacy examining board.

(b) One physician licensed under subch. II of ch. 448 appointed by the chairperson of the medical examining board.

(c) One nurse licensed under ch. 441 appointed by the chairperson of the board of nursing.

**(8) CREMATORY AUTHORITY COUNCIL.** There is created a crematory authority council in the department of safety and professional services consisting of the secretary of safety and profes-

sional services or a designee of the secretary, who shall serve as a nonvoting member, and the following persons appointed for 3-year terms:

(a) Three persons licensed as funeral directors under ch. 445 who operate crematories.

(b) Three representatives of cemetery authorities, as defined in s. 157.061 (2), who operate crematories.

(c) One public member.

**(9) SIGN LANGUAGE INTERPRETER COUNCIL.** (a) There is created a sign language interpreter council in the department of safety and professional services consisting of the secretary of safety and professional services or a designee of the secretary and the following 8 members nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms:

1. Five deaf or hard of hearing individuals who are or have been clients of a sign language interpreter, at least one of whom is a graduate of a residential school for the deaf or hard of hearing and at least one of whom is a graduate of a private or public school that is not a residential school for the deaf or hard of hearing.

2. Two interpreters licensed under s. 440.032, at least one of whom holds a renewable license under s. 440.032 (3) (a).

3. One individual who is not deaf or hard of hearing and who has obtained, or represents an entity that has obtained, sign language interpreter services for the benefit of another who is deaf or hard of hearing.

(b) If possible, the governor shall nominate individuals under par. (a) 1. to 3. from diverse locations within the state.

**(10) DWELLING CODE COUNCIL.** There is created in the department of safety and professional services, a dwelling code council, consisting of 18 members appointed for staggered 3-year terms. Four members shall be representatives of building trade labor organizations; 4 members shall be certified building inspectors employed by local units of government; 2 members shall be representatives of building contractors actively engaged in on-site construction of one- and 2-family housing; 2 members shall be representatives of manufacturers or installers of manufactured one- and 2-family housing; one member shall be an architect, engineer or designer actively engaged in the design or evaluation of one- and 2-family housing; 2 members shall represent the construction material supply industry; one member shall represent remodeling contractors actively engaged in the remodeling of one-family and 2-family housing; and 2 members shall represent the public, one of whom shall represent persons with disabilities, as defined in s. 106.50 (1m) (g). An employee of the department designated by the secretary of safety and professional services shall serve as nonvoting secretary of the council. The council shall meet at least twice a year. Eleven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required.

**(11) CONTRACTOR CERTIFICATION COUNCIL.** There is created in the department of safety and professional services a contractor certification council consisting of 3 members who are building contractors holding certificates of financial responsibility under s. 101.654 and who are involved in, or who have demonstrated an interest in, continuing education for building contractors. The members shall be appointed by the secretary of safety and professional services for 3-year terms.

**(12) MULTIFAMILY DWELLING CODE COUNCIL.** (a) There is created in the department of safety and professional services a multifamily dwelling code council consisting of the following members appointed for 3-year terms:

1. Two members representing labor organizations for the skilled building trades, each of whom is actively engaged in his or her trade.

2. Two members representing municipal inspectors, one of whom is actively engaged in inspections in a county whose population is less than 50,000 and one of whom is actively engaged in inspections in a county whose population is 50,000 or more.

3. Two members representing the fire services, each of whom is actively engaged in fire service work and at least one of whom is a fire chief.

4. Two members representing building contractors and building developers, each of whom is actively engaged in on-site construction of multifamily housing.

5. Three members representing manufacturers of materials or suppliers of finished products in one of 5 product categories, consisting of cement products, concrete block products, gypsum products, metal products and wood products. Each member shall represent the manufacturers or suppliers of a different product category, and each member appointed to a 3-year term shall represent the manufacturers or suppliers of the product category that has not been represented by any of the 3 members for the previous 2 years. Each member shall be actively engaged in the business of manufacturing materials or supplying finished products for multifamily housing.

6. One member representing architects, engineers and designers who is actively engaged in the design or evaluation of multifamily housing.

7. Two members representing the public, at least one of whom is an advocate of fair housing.

(b) An employee of the department shall serve as nonvoting secretary of the council.

(c) The council shall meet at least 2 times annually.

(d) Nine members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required, except that at least 10 members of the council are required to vote affirmatively to recommend changes in the statutes or administrative rules.

**(13) MANUFACTURED HOUSING CODE COUNCIL.** (a) There is created in the department of safety and professional services a manufactured housing code council consisting of the following members appointed by the secretary of safety and professional services for 3-year terms:

1. Two members representing manufacturers of manufactured homes.

2. Two members representing manufactured home dealers.

3. Two members representing owners of manufactured home communities.

4. Two members representing installers of manufactured homes.

5. One member representing an association of the manufactured housing industry in Wisconsin.

6. One member representing suppliers of materials or services to the manufactured housing industry.

7. One member representing the public.

8. One member representing labor.

9. One member representing inspectors of manufactured homes.

(b) The council shall meet at least twice a year. An employee of the department designated by the secretary of the department shall serve as nonvoting secretary of the council.

**(14) CONVEYANCE SAFETY CODE COUNCIL.** (a) There is created in the department of safety and professional services a conveyance safety code council consisting of the following members appointed for 3-year terms:

1. One member representing a manufacturer of elevators.

2. One member representing an elevator servicing business.

3. One member representing an architectural design or elevator consulting profession.

4. One member representing a labor organization whose members are involved in the installation, maintenance, and repair of elevators.

5. One member representing a city, village, town, or county in this state.

6. One member representing an owner or manager of a building in this state containing an elevator.

7. One member representing the public.

8. A building contractor involved in commercial construction that includes the construction or installation of conveyances, as defined in s. 101.981 (1) (c).

9. The secretary of safety and professional services, or his or her designee.

10. An employee of the department of safety and professional services, designated by the secretary of safety and professional services, who is familiar with commercial building inspections.

(b) The council shall meet at least twice a year. The employee of the department of safety and professional services designated by the secretary of safety and professional services under par. (a) 10. shall serve as nonvoting secretary of the council.

**(16) PLUMBERS COUNCIL.** There is created in the department of safety and professional services a plumbers council consisting of 3 members. One member shall be an employee of the department of safety and professional services, selected by the secretary of safety and professional services, to serve as the secretary of the council. Two members, one a master plumber and one a journeyman plumber, shall be appointed by the secretary of safety and professional services for 2-year terms.

**(17) AUTOMATIC FIRE SPRINKLER SYSTEM CONTRACTORS AND JOURNEYMEN COUNCIL.** There is created in the department of safety and professional services an automatic fire sprinkler system contractors and journeymen council consisting of 5 members. One member shall be an employee of the department of safety and professional services, selected by the secretary of safety and professional services, to serve as secretary of the council. Two members shall be licensed journeymen automatic fire sprinkler fitters and 2 members shall be persons representing licensed automatic fire sprinkler contractors, all appointed by the secretary of safety and professional services for staggered 4-year terms.

**History:** 1973 c. 149; 1975 c. 39, 86, 199, 383, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 s. 252; 1985 a. 332 s. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359; 1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 s. 727m; 1999 a. 32, 180, 186; 2001 a. 74, 89; 2005 a. 31; 2009 a. 355, 356, 360; 2011 a. 32 ss. 112 to 114, 116, 118 to 120, 159 to 166.

**15.43 Department of revenue; creation.** There is created a department of revenue under the direction and supervision of the secretary of revenue.

**15.433 Same; specified divisions. (1) LOTTERY DIVISION.** There is created in the department of revenue a lottery division.

**History:** 1995 a. 27.

**15.435 Same; attached boards. (1) INVESTMENT AND LOCAL IMPACT FUND BOARD.** (a) *Creation; membership.* There is created an investment and local impact fund board, attached to the department of revenue under s. 15.03, consisting of the following members:

1. The chief executive officer of the Wisconsin Economic Development Corporation and the secretary of revenue or their designees.

2. Three public members.

3. Five local officials consisting of 2 municipal officials, 2 county officials, and one school board member.

4. One Native American.

(b) *Terms.* The public members, local officials and Native American shall be appointed for staggered 4-year terms.

(c) *Vacancies.* If a municipal or county official or a school board member leaves office while serving on the board, the member's position on the board shall be considered vacant until a successor is appointed under s. 15.07 (1) (b).

(d) *Qualifications.* 1. One of the public members shall reside in a town in which a metalliferous mineral ore body is known to exist.

2. One of the public members shall reside in a county in which metalliferous mineral development is occurring or in an adjacent county.

3. One of the local officials shall reside in a county or school district in which metalliferous mineral development is occurring or in an adjacent county or school district; and

4. One local official shall reside in a county or school district in which metalliferous minerals are extracted or an adjacent county or school district.

5. The Native American shall reside in a municipality in which a metalliferous mineral ore body is known to exist.

(e) *Recommendations.* 1. One public member shall be recommended by the town boards in towns in which a metalliferous mineral ore body is known to exist. Preference shall be given to the appointment of a public member who resides in a township in which the development of a metalliferous mineral ore body is occurring.

2. One municipal official member shall be recommended by the League of Wisconsin Municipalities.

3. One municipal official member shall be recommended by the Wisconsin Towns Association.

4. The school board member shall be recommended by the Wisconsin Association of School Boards.

5. The county official members shall be recommended by the Wisconsin Counties Association.

6. The Native American member shall be recommended by the Great Lakes Inter-Tribal Council, Inc. Preference should be given to the appointment of a Native American who resides in a town in which the development of a metalliferous mineral ore body is occurring.

(g) *Assistance; advice.* The board may request of any state agency such assistance as may be necessary for the board to fulfill its duties.

**History:** 1977 c. 31, 423; 1979 c. 63; 1979 c. 361 s. 112; 1981 c. 86, 391; 1983 a. 36 s. 96 (4); 1983 a. 192 ss. 20, 303 (7); 1985 a. 29; 1987 a. 27; 1989 a. 31; 1995 a. 27 ss. 188, 189 and 9116 (5); 1997 a. 27; 2001 a. 103; 2005 a. 149; 2011 a. 32.

**15.44 Department of tourism.** There is created a department of tourism under the direction and supervision of the secretary of tourism.

**History:** 1995 a. 27.

**15.445 Same; attached boards. (1) ARTS BOARD.** There is created an arts board in the department of tourism. The arts board shall consist of 15 members appointed for 3-year terms who are residents of this state and who are known for their concern for the arts. At least 2 members shall be from the northwest portion of this state, at least 2 members shall be from the northeast portion of this state, at least 2 members shall be from the southwest portion of this state, and at least 2 members shall be from the southeast portion of this state.

**(2) KICKAPOO RESERVE MANAGEMENT BOARD.** (a) *Creation.* There is created a Kickapoo reserve management board which is attached to the department of tourism under s. 15.03.

(b) *Membership.* The board consists of the following members appointed to serve for 3-year terms:

1. Four members who are residents of the area composed of the villages of La Farge and Ontario, the towns of Stark and Whitestown and the school districts encompassing the villages of La Farge and Ontario.

2. Two members who are residents of that portion of the Kickapoo River watershed, as determined by the department of natural resources, that lies outside of the area specified in subd. 1.

3. Three members who are not residents of the watershed specified in subd. 2., one of whom shall be an advocate for the environment, one of whom shall have a demonstrated interest in education and one of whom shall represent recreation and tourism interests.

5. Two members who have an interest in and knowledge of the cultural resources within the Kickapoo River watershed.

(c) *Vacancies.* If any member ceases to retain the status required for his or her appointment under par. (b), the member vacates his or her office.

(d) *Recommendations for membership.* 1. The governor shall appoint the members specified in par. (b) 1. from a list of individuals recommended by the governing bodies of the municipalities and school boards of the school districts specified in par. (b) 1.

2. The governor shall appoint the members specified in par. (b) 2. from a list of individuals recommended by the governing bodies of each town, village and city which includes territory located within the area specified in par. (b) 2.

2m. The governor shall appoint the members specified in par. (b) 5. from a list of individuals recommended by the Ho-Chunk Nation.

3. Each municipality or school district specified in this paragraph may recommend no more than 3 members. The Ho-Chunk Nation may recommend no more than 6 individuals for the membership positions under par. (b) 5. At the request of the governor, a municipality, a school district, or the Ho-Chunk Nation shall recommend additional members if an individual who is recommended declines to serve.

(e) *Liaison representatives.* The secretary of agriculture, trade and consumer protection, the secretary of natural resources, the secretary of transportation, the secretary of administration, the director of the state historical society and the chancellor of the University of Wisconsin-Extension, or their designees, shall serve as liaison representatives to the board. The board may request any federally recognized American Indian tribe or band in this state, other than the Ho-Chunk Nation, that expresses an interest in the governance of the Kickapoo valley reserve to appoint a liaison representative to the board. The liaison representatives are not board members and have no voting power.

**(3) LOWER WISCONSIN STATE RIVERWAY BOARD.** (a) There is created a lower Wisconsin state riverway board, which is attached to the department of tourism under s. 15.03.

(b) The board shall be composed of the following members appointed for 3-year terms:

1. One member from Crawford County.

2. One member from Dane County.

3. One member from Grant County.

4. One member from Iowa County.

5. One member from Richland County.

6. One member from Sauk County.

7. Three other members who represent recreational user groups and who are not residents of any of the counties listed in subds. 1. to 6.

(c) The governor shall appoint each member under par. (b) 1. to 6. from a list, of at least 2 nominees, submitted by each respective county board.

(d) Each member under par. (b) 1. to 6. shall be either of the following:

1. An elected official at the time of appointment of a city or village that abuts the lower Wisconsin state riverway, as defined in s. 30.40 (15), or of a town or a county that is located at least in part in the lower Wisconsin state riverway, as defined in s. 30.40 (15).

2. A resident at the time of appointment of a city or village that abuts the lower Wisconsin state riverway, as defined in s. 30.40 (15), or of a town that is located at least in part in the lower Wisconsin state riverway, as defined in s. 30.40 (15).

**(4) STATE FAIR PARK BOARD.** (a) There is created a state fair park board attached to the department of tourism under s. 15.03, consisting of the following members:



1. Two representatives to the assembly, one recommended by the speaker of the assembly and one recommended by the minority leader of the assembly.

2. Two senators, one recommended by the majority leader of the senate and one recommended by the minority leader of the senate.

3. Five members representing business, 3 of whom have general business experience, one of whom has experience in agriculture and one of whom has experience with technology.

4. One resident of the city of West Allis.

5. One other member who is a resident of this state.

6. The secretary of agriculture, trade and consumer protection and the secretary of tourism or their designees.

(am) A secretary may designate a person under par. (a) 6. only if the person is an employee of the department of which the secretary is head.

(b) The members of the state fair park board under par. (a) 3. to 5. shall be appointed for 5-year terms.

**History:** 1995 a. 27 ss. 104, 114, 166m, 192, 193, 218e, 9116 (5); 1995 a. 216, 225; 1997 a. 36, 194; 1999 a. 197; 2003 a. 27; 2005 a. 396; 2009 a. 69; 2011 a. 32.

**15.447 Same; councils. (1) COUNCIL ON TOURISM.** There is created in the department of tourism a council on tourism consisting of 14 members serving 3-year terms, and the secretary of tourism or the secretary's designee, one member of the majority party in each house and one member of the minority party in each house appointed as are members of standing committees in their respective houses, the executive secretary of the arts board and the director of the historical society. Nominations for appointments to the council of members, other than ex officio members, shall be sought from but not limited to multicounty regional associations engaged in promoting tourism, statewide associations of businesses related to tourism, area visitor and convention bureaus, arts organizations, chambers of commerce, the Great Lakes intertribal council and other agencies or organizations with knowledge of American Indian tourism activities, and persons engaged in the lodging, restaurant, campground, amusement establishment, recreation establishment or retail liquor or fermented malt beverages business. Nominations shall be sought from throughout this state, to ensure that council members live in different geographical areas of the state and that they reflect the tourism industry's diversity and its distribution throughout both urban and rural areas of the state. Each council member, other than ex officio members, shall have experience in marketing and promotion strategy.

**History:** 1995 a. 27, ss. 128, 193; 1997 a. 36.

**15.46 Department of transportation; creation.** There is created a department of transportation under the direction and supervision of the secretary of transportation.

The department of transportation is entitled to sovereign immunity. It is not an independent going concern. *Canadian National Railroad v. State*, 2007 WI App 179, 304 Wis. 2d 218, 736 N.W.2d 900, 06–2617.

**15.465 Same; attached board. (2) RUSTIC ROADS BOARD.** There is created a rustic roads board in the department of transportation. The rustic roads board shall consist of the following members: the chairpersons of the senate and assembly standing committees having jurisdiction over transportation matters as determined by the speaker of the assembly and the president of the senate and 8 members appointed by the secretary of transportation for staggered 4-year terms of whom at least 4 members shall be selected from a list of nominees submitted by the Wisconsin Counties Association.

**History:** 1973 c. 142; 1977 c. 29; 1979 c. 34; 1981 c. 347; 1983 a. 192 s. 303 (7); 1993 a. 16.

**15.467 Same; councils. (3) COUNCIL ON HIGHWAY SAFETY.** There is created in the department of transportation a council on highway safety. The council shall consist of 15 members, as follows:

(a) Five citizen members appointed for staggered 3-year terms.

(b) Five state officers, part of whose duties shall be related to transportation and highway safety, appointed for staggered 3-year terms.

(c) Three representatives to the assembly, appointed as are the members of assembly standing committees, who serve on any assembly standing committee dealing with transportation matters.

(d) Two senators, appointed as are the members of senate standing committees, who serve on any senate standing committee dealing with transportation matters.

**(4) COUNCIL ON UNIFORMITY OF TRAFFIC CITATIONS AND COMPLAINTS.** There is created in the department of transportation a council on uniformity of traffic citations and complaints. Notwithstanding s. 15.09 (6), members of the council shall not be reimbursed for expenses incurred in the performance of their duties on the council. The council shall consist of the following members:

(a) The secretary, or his or her designee, as chairperson.

(b) A member of the department of transportation responsible for law enforcement.

(c) A member of the Wisconsin Sheriffs and Deputy Sheriffs Association, designated by the president thereof.

(d) A member of the County Traffic Patrol Association, designated by the president thereof.

(e) A member of the Chiefs of Police Association, designated by the president thereof.

(f) A member of the State Bar of Wisconsin, designated by the president thereof.

(g) A member of the Wisconsin council of safety, designated by the president thereof.

(h) A member of the Wisconsin District Attorneys Association, designated by the president thereof.

(i) A member of the judicial conference, designated by the chairperson of the conference.

(j) A member designated by the director of state courts.

**History:** 1977 c. 325; 1979 c. 34 s. 16; 1979 c. 361 s. 112; 1985 a. 145 ss. 1, 4; 1987 a. 27; 1991 a. 316; 1997 a. 27; 2001 a. 103.

**15.49 Department of veterans affairs; creation. (1)** In this section, "veteran" means a veteran, as defined in s. 45.01 (12) (a) to (f), who has served on active duty, as defined in s. 45.01 (1).

**(2)** There is created a department of veterans affairs and a board of veterans affairs. Except as otherwise provided by law, the department shall be under the direction and supervision of the secretary of veterans affairs, who shall be a veteran. The board shall consist of 9 members all of whom shall be veterans. The members shall be appointed for staggered 4-year terms. The board shall be composed so that for each congressional district in the state there is at least one member of the board who is a resident of that district. If a member ceases to reside within the boundaries of the congressional district where he or she resided as that district existed at the time that member's current term began, the member vacates his or her office.

**History:** 1975 c. 77; 1981 c. 199; 1991 a. 165; 2011 a. 36.

**15.497 Same; councils. (2) COUNCIL ON VETERANS PROGRAMS.** There is created in the department of veterans affairs a council on veterans programs consisting of all of the following representatives appointed for one-year terms by the organization that each member represents:

(a) One representative each of the state departments of the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Marine Corps League, the Navy Club of the U.S.A., the Veterans of World War II (AMVETS), the American Ex-prisoners of War, the Vietnam Veterans Against the War, Inc., the Vietnam Veterans of America, Inc., the Catholic War Veterans of the U.S.A., the Jewish War Veterans of the U.S.A., the Polish Legion of American Veterans, the National Association for Black Veterans, Inc., the Army and Navy Union of the United States of America, the Wisconsin Association of Concerned Veteran Organizations, the United Women Veterans, Inc., the U.S. Submarine

Veterans of World War II, the Wisconsin Vietnam Veterans, Inc., and the Military Order of the Purple Heart.

(b) One representative of the American Red Cross.

(c) One representative of the Wisconsin county veterans service officers.

(d) One representative of the Wisconsin chapter of the Paralyzed Veterans of America.

(e) One representative of the Wisconsin Council of the Military Officers Association of America.

(f) One representative of The Retired Enlisted Association.

(g) One representative of the Wisconsin American GI Forum.

(h) One representative of the Blinded Veterans Association of Wisconsin.

**History:** 1973 c. 90, 333; 1975 c. 316; 1981 c. 237; 1983 a. 437; 1987 a. 243; 1987 a. 403 s. 255; 1989 a. 31, 36, 359; 1995 a. 120; 2001 a. 21; 2005 a. 22; 2007 a. 25; 2009 a. 49, 298.

### SUBCHAPTER III

#### INDEPENDENT AGENCIES

##### 15.57 Educational communications board; creation.

There is created an educational communications board consisting of:

(1) The secretary of administration, the state superintendent of public instruction, the president of the University of Wisconsin System and the director of the technical college system board, or their designees.

(2) Two public members appointed for 4-year terms.

(3) One representative of public schools and one representative of private schools or of tribal schools, as defined in s. 115.001 (15m), appointed for 4-year terms.

(4) One majority and one minority party senator and one majority and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.

(5) One member appointed by the board of regents of the University of Wisconsin System for a 4-year term.

(6g) The president of the Wisconsin Public Radio Association.

(6m) One member with a demonstrated interest in public television who resides within the coverage area of an education television channel subject to s. 39.11 (3).

(7) One member appointed by the technical college system board for a 4-year term.

**History:** 1971 c. 100 s. 4; Stats. 1971 s. 15.57; 1977 c. 325; 1983 a. 27; 1985 a. 29; 1991 a. 39; 1993 a. 399; 1995 a. 27; 1997 a. 27; 2009 a. 302.

##### 15.58 Employment relations commission; creation.

There is created an employment relations commission.

##### 15.60 Government accountability board; creation.

(1) There is created a government accountability board consisting of 6 persons. Members shall serve for 6-year terms.

(2) All members of the board shall be appointed from nominations submitted to the governor by a nominating committee to be called the governmental accountability candidate committee, which shall consist of one court of appeals judge from each of the court of appeals districts. The members of the committee shall serve for 2-year terms expiring on March 1. The court of appeals judges shall be chosen as members by lot by the chief justice of the supreme court in the presence of the other justices of the supreme court. Service on the committee is mandatory except as provided in s. 758.19 (9).

(3) Each member of the board shall be an individual who formerly served as a judge of a court of record in this state and who was elected to the position in which he or she served.

(4) No member may hold another office or position that is a state public office or a local public office, as defined in s. 19.42,

except the office of circuit judge or court of appeals judge under s. 753.075.

(5) No member, for one year immediately prior to the date of nomination may have been, or while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or an officer or employee of a registrant under s. 11.05.

(6) No member, while serving on the board, may become a candidate, as defined in s. 11.01 (1), for state office or local office, as defined in s. 5.02.

(7) No member, while serving on the board, may make a contribution, as defined in s. 11.01 (6), to a candidate, as defined in s. 11.01 (1) for state office or local office, as defined in s. 5.02. No individual who serves as a member of the board, for 12 months prior to beginning that service, may have made a contribution, as defined in s. 11.01 (6), to a candidate for a partisan state or local office, as defined in s. 5.02.

(8) No member may be a lobbyist, as defined in s. 13.62 (11), or an employee of a principal, as defined in s. 13.62 (12), except that a member may serve as a circuit judge or court of appeals judge under s. 753.075.

**History:** 2007 a. 1.

Membership on the board is an office of public trust but is not a judicial office within the meaning of Art. VII, s. 1. In conformity with Art. VII, s. 1, an individual who has resigned from the office of judge may not serve as a member of the board for the duration of the term to which the individual was elected to serve as a judge. OAG 4-08.

##### 15.603 Same; specified divisions. (1) ETHICS AND

ACCOUNTABILITY DIVISION. There is created in the government accountability board an ethics and accountability division. The ethics and accountability division shall be under the direction and supervision of an administrator, who shall be appointed by the board.

(2) ELECTIONS DIVISION. There is created in the government accountability board an elections division. The elections division shall be under the direction and supervision of an administrator, who shall be appointed by the board.

**History:** 2007 a. 1.

##### 15.607 Same; council. (1) ELECTION ADMINISTRATION

COUNCIL. There is created in the government accountability board an election administration council consisting of members appointed by the administrator of the elections division of the government accountability board, including the clerk or executive director of the board of election commissioners of the 2 counties or municipalities in this state having the largest population, one or more election officials of other counties or municipalities, representatives of organizations that advocate for the interests of individuals with disabilities and organizations that advocate for the interests of the voting public, and other electors of this state.

**History:** 2007 a. 1 s. 80; Stats. 2007 s. 15.607.

##### 15.67 Higher educational aids board; creation.

(1) There is created a higher educational aids board consisting of the state superintendent of public instruction and the following members appointed for 3-year terms, except that the members specified under pars. (a) 5. and 6. and (b) 3. shall be appointed for 2-year terms:

(a) To represent public institutions of higher education, all of the following:

1. One member of the board of regents of the University of Wisconsin System.

2. One member of the technical college system board.

3. One financial aids administrator within the University of Wisconsin System.

4. One financial aids administrator within the technical college system.

5. One undergraduate student enrolled at least half-time and in good academic standing at an institution within the University

of Wisconsin System who is at least 18 years old and a resident of this state.

6. One student enrolled at least half-time and in good academic standing at a technical college who is at least 18 years old and a resident of this state.

(b) To represent private, nonprofit institutions of higher education, all of the following:

1. One member of a board of trustees of an independent college or university in this state.

2. One financial aids administrator of a private nonprofit institution of higher education located in this state.

3. One undergraduate student enrolled at least half-time and in good academic standing at a private, nonprofit institution of higher education located in this state who is at least 18 years old and a resident of this state.

(c) One member to represent the general public.

(2) If a student member under sub. (1) loses the status upon which the appointment was based, he or she shall cease to be a member of the higher educational aids board upon appointment to the higher educational aids board of a qualified successor.

**History:** 1997 a. 27, 237.

**15.70 Historical society.** There is continued the state historical society of Wisconsin initially organized under chapter 17, laws of 1853, to be known for statutory purposes as the historical society, under the direction and supervision of a board of curators. The board of curators is not subject to s. 15.07. The board of curators shall consist of:

(1) The governor, or his or her designee.

(2) The speaker of the assembly or his or her designee chosen from the representatives to the assembly.

(3) The president of the senate or his or her designee chosen from the members of the senate.

(4) Three members nominated by the governor and with the advice and consent of the senate appointed for staggered 3-year terms.

(5) Members selected as provided in the constitution and bylaws of the historical society. After July 1, 1986, the number of members on the board of curators selected under this subsection may not exceed 30.

(6) One member of the senate from the minority party in the senate and one representative to the assembly from the minority party in the assembly, appointed as are members of standing committees in their respective houses.

**History:** 1983 a. 27.

**15.705 Same; attached boards. (1) BURIAL SITES PRESERVATION BOARD.** There is created a burial sites preservation board attached to the historical society under s. 15.03, consisting of the state archaeologist, as a nonvoting member, the director of the historical society if the director is not serving as the state historic preservation officer, the state historic preservation officer, or her or his formally appointed designee, who shall be a nonvoting member unless the director of the historical society is serving as the state historic preservation officer, and the following members appointed for 3-year terms:

(a) Three members, selected from a list of names submitted by the Wisconsin archaeological survey, who shall have professional qualifications in the fields of archaeology, physical anthropology, history or a related field.

(b) Three members who shall be members of federally recognized Indian tribes or bands in this state, selected from names submitted by the Great Lakes inter-tribal council and the Menominee tribe. Each such member shall be knowledgeable in the field of tribal preservation planning, history, archaeology or a related field or shall be an elder, traditional person or spiritual leader of his or her tribe.

(2) HISTORIC PRESERVATION REVIEW BOARD. There is created a historic preservation review board attached to the historical soci-

ety under s. 15.03, consisting of 15 members appointed for staggered 3-year terms. At least 9 members shall be persons with professional qualifications in the fields of architecture, archaeology, art history and history and up to 6 members may be persons qualified in related fields including, but not limited to, landscape architecture, urban and regional planning, law or real estate.

**History:** 1977 c. 29; 1979 c. 110; 1981 c. 237; 1985 a. 316; 1995 a. 216 ss. 2j, 2k; s. 13.93 (1) (b).

**15.707 Same; councils. (3) HISTORICAL SOCIETY ENDOWMENT FUND COUNCIL.** There is created in the historical society a historical society endowment fund council consisting of 10 members, including at least one representative of each of the following:

(a) The historical society.

(b) The Wisconsin Humanities Council.

(c) The Wisconsin Academy of Science, Arts and Letters.

(d) The arts board.

(e) Wisconsin public radio.

(f) Wisconsin public television.

**History:** 1977 c. 29 s. 1654 (8) (h); 1977 c. 273; 1979 c. 361 s. 112; 1991 a. 39, 269; 1995 a. 27; 1997 a. 27.

**15.73 Office of commissioner of insurance; creation.**

There is created an office of the commissioner of insurance under the direction and supervision of the commissioner of insurance. The commissioner shall not:

(1) Be a candidate for public office in any election;

(2) Directly or indirectly solicit or receive, or be in any manner concerned with soliciting or receiving any assessment, subscription, contribution or service, whether voluntary or involuntary, for any political purpose whatever, from any person within or without the state; nor

(3) Act as an officer or manager for any candidate, political party or committee organized to promote the candidacy of any person for any public office.

**15.76 Investment board; creation.** There is created a state of Wisconsin investment board, to be known for statutory purposes as the investment board. The investment board shall consist of the following members:

(1) The secretary of administration, or the secretary's designee.

(1r) One member appointed for a 6-year term, who is a representative of a local government that participates in the local government pooled-investment fund under s. 25.50. The member shall be employed by the local government in a finance position and have had at least 10 years of financial experience, but may not be an elected official, an employee of a county with a population greater than 450,000 or an employee of a city, town or village with a population greater than 150,000. If the member appointed under this subsection loses the status upon which the appointment was based, he or she shall cease to be a member of the investment board.

(2) Five members appointed for staggered 6-year terms, 4 of whom shall have had at least 10 years' experience in making investments, but any person having a financial interest in or whose employer is primarily a dealer or broker in securities or mortgage or real estate investments is not eligible for appointment, and any member who acquires such an interest or accepts such appointment shall thereupon vacate his or her membership.

(3) Two participants in the Wisconsin retirement system appointed for 6-year terms, one of whom shall be a teacher participant appointed by the teacher retirement board and one of whom shall be a participant other than a teacher appointed by the Wisconsin retirement board.

**History:** 1981 c. 96; 1985 a. 29; 1991 a. 316; 1995 a. 274.

**15.78 Public defender board.** There is created a public defender board consisting of 9 members appointed for staggered 3-year terms. No member may be, or be employed on the staff of, a judicial or law enforcement officer, district attorney, corporation



counsel, or the state public defender. At least 5 members shall be members of the State Bar of Wisconsin.

**History:** 1977 c. 29; 2001 a. 103.

**15.79 Public service commission; creation.** There is created a public service commission. No member of the commission may have a financial interest in a railroad, water carrier, or public utility. If any member voluntarily becomes so interested, the member's office shall become vacant. If the member involuntarily becomes so interested, the member's office shall become vacant unless the member divests himself or herself of the interest within a reasonable time. No commissioner may serve on or under any committee of a political party. Each commissioner shall hold office until a successor is appointed and qualified.

**History:** 1979 c. 171; 2005 a. 179.

A public service commissioner may attend a political party convention as a delegate. 61 Atty. Gen. 265.

**15.795 Same; attached office. (1) OFFICE OF THE COMMISSIONER OF RAILROADS.** There is created an office of the commissioner of railroads which is attached to the public service commission under s. 15.03, provided that s. 85.02 (1) does not apply to the office of the commissioner of railroads. The commissioner of railroads shall have expertise in railroad issues and may not have a financial interest in a railroad, as defined in s. 195.02 (1), or a water carrier, as defined in s. 195.02 (5). The commissioner may not serve on or under any committee of a political party. The commissioner shall hold office until a successor is appointed and qualified.

**History:** 1993 a. 123; 2003 a. 89; 2005 a. 179.

**15.797 Same; council. (1) WIND SITING COUNCIL.** (a) In this subsection, "wind energy system" has the meaning given in s. 66.0403 (1) (m).

(b) There is created in the public service commission a wind siting council that consists of the following members appointed by the public service commission for 3-year terms:

1. Two members representing wind energy system developers.
2. One member representing towns and one member representing counties.
3. Two members representing the energy industry.
4. Two members representing environmental groups.
5. Two members representing realtors.
6. Two members who are landowners living adjacent to or in the vicinity of a wind energy system and who have not received compensation by or on behalf of owners, operators, or developers of wind energy systems.
7. Two public members.
8. One member who is a University of Wisconsin System faculty member with expertise regarding the health impacts of wind energy systems.

**History:** 2009 a. 40.

**15.91 Board of regents of the University of Wisconsin System; creation.** There is created a board of regents of the University of Wisconsin System consisting of the state superintendent of public instruction, the president, or by his or her designation another member, of the technical college system board and 14 citizen members appointed for staggered 7-year terms, and 2 students enrolled at least half-time and in good academic standing at institutions within the University of Wisconsin System who are residents of this state, for 2-year terms. The student members may be selected from recommendations made by elected representatives of student governments at institutions within the University of Wisconsin System. The governor shall appoint one student member who is at least 18 years old and one undergraduate student member who is at least 24 years old and represents the views of nontraditional students, such as those who are employed or are parents. The governor may not appoint a student member from the same institution in any 2 consecutive terms; the 2 student

members who are appointed may not be from the same institution; and a student from the University of Wisconsin–Madison and a student from the University of Wisconsin–Milwaukee may not serve on the Board of Regents at the same time. If a student member loses the status upon which the appointment was based, he or she shall cease to be a member of the board of regents.

**History:** 1971 c. 100; 1977 c. 29; 1985 a. 85; 1991 a. 68; 1993 a. 399; 1995 a. 27; 1997 a. 237; 2005 a. 76.

### 15.915 Same; attached boards and commissions.

**(1) VETERINARY DIAGNOSTIC LABORATORY BOARD.** (a) There is created a veterinary diagnostic laboratory board attached to the University of Wisconsin System under s. 15.03.

(b) The veterinary diagnostic laboratory board shall consist of the following members:

1. The secretary of agriculture, trade and consumer protection or his or her designee.
2. The chancellor of the University of Wisconsin–Madison or his or her designee.
3. The dean of the school of veterinary medicine or his or her designee.
4. A veterinarian employed by the federal government, to serve at the pleasure of the governor.
5. Five other members representing persons served by the veterinary diagnostic laboratory, at least one of whom is a livestock producer, at least one of whom represents the animal agriculture industry and at least one of whom is a practicing veterinarian who is a member of the Wisconsin Veterinary Medical Association, appointed for 3-year terms.
6. The director of the veterinary diagnostic laboratory, who shall serve as a nonvoting member.

**(2) LABORATORY OF HYGIENE BOARD.** There is created in the University of Wisconsin System a laboratory of hygiene under the direction and supervision of the laboratory of hygiene board. The board shall consist of:

- (a) The chancellor of the University of Wisconsin–Madison, the secretary of health services, the secretary of natural resources and the secretary of agriculture, trade and consumer protection, or their designees.
- (b) A representative of local health departments who is not an employee of the department of health services, one physician representing clinical laboratories, one member representing private environmental testing laboratories, one member representing occupational health laboratories and 3 additional members, one of whom shall be a medical examiner or coroner, appointed for 3-year terms. No member appointed under this paragraph may be an employee of the laboratory of hygiene.
- (c) The director of the laboratory, who shall serve as a nonvoting member.

**(6) ENVIRONMENTAL EDUCATION BOARD.** (a) *Creation.* There is created an environmental education board attached to the University of Wisconsin System under s. 15.03.

(b) *Members.* The environmental education board shall consist of the following members:

1. The state superintendent of public instruction.
2. The secretary of natural resources.
3. The president of the University of Wisconsin System.
4. The director of the technical college system.
5. One majority and one minority party senator and one majority and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.
6. One member, appointed for a 3-year term by the president of the University of Wisconsin System, to represent each of the following:
  - a. Elementary and secondary school environmental educators.
  - b. Conservation and environmental organizations.

- c. Business and industry.
- d. Agriculture.
- e. Labor.
- f. Faculty of public and private institutions of higher education.
- g. Nature centers, zoos, museums and other nonformal environmental educational organizations.
- h. Forestry.
- i. Energy industry.

(c) *Designees.* Members of the board under par. (b) 1. to 4. may appoint designees to serve on the board, if the designee is an employee or appointive officer of the agency who has sufficient authority to deploy agency resources and directly influence agency decision making.

**History:** 1971 c. 323; 1973 c. 335; 1975 c. 39; 1977 c. 29 s. 1650m (2); 1977 c. 203, 418; 1979 c. 34 s. 50m; 1981 c. 346; 1985 a. 29; 1989 a. 20; 1989 a. 31 ss. 60m, 95e; 1991 a. 25; 1993 a. 27; 1995 a. 27 ss. 112b, 112c, 112d, 112h, 9126 (19); 1995 a. 227; 1997 a. 27 ss. 75m, 94e to 94m; 1997 a. 237 s. 722p; 1999 a. 107; 2001 a. 16; 2005 a. 404; 2007 a. 20 s. 9121 (6) (a).

**15.917 Same; attached council.** (1) RURAL HEALTH DEVELOPMENT COUNCIL. There is created in the University of Wisconsin System a rural health development council consisting of 17 members nominated by the governor, and with the advice and consent of the senate appointed, for 5-year terms, and the secretary of health services, or his or her designee. The appointed members shall include all of the following:

- (a) A representative of the University of Wisconsin Medical School.
- (b) A representative of the Medical College of Wisconsin, Inc.
- (c) A representative of the Wisconsin Health and Educational Facilities Authority.
- (d) One representative of a private lender that makes loans in rural areas.
- (e) A representative of a hospital located in a rural area and a representative of a clinic located in a rural area.
- (f) A physician licensed under ch. 448, a dentist licensed under ch. 447, a nurse licensed under ch. 441, and a dental hygienist licensed under ch. 447, all of whom practice in a rural area, and a representative of public health services.
- (g) The secretary of agriculture, trade and consumer protection or the secretary's designee.

(h) The secretary of workforce development or the secretary's designee.

(i) A representative of an economic development organization operating in a rural area.

(j) A member of the public from a rural area.

**History:** 2009 a. 28 ss. 40g to 40n, 43 to 43g; 2011 a. 32.

**15.94 Technical college system board; creation.** There is created a technical college system board consisting of 13 members. No person may serve as president of the board for more than 2 successive annual terms. The board shall be composed of:

(1m) The state superintendent of public instruction or the superintendent's designee.

(2) The secretary of workforce development or the secretary's designee.

(2m) The president, or by his or her designation another member, of the board of regents of the University of Wisconsin System.

(3) One employer of labor, one employee who does not have employing or discharging power, one person whose principal occupation is farming and who is actually engaged in the operation of farms and 6 additional members appointed for 6-year terms.

(4) One student enrolled at least half-time and in good academic standing at a technical college who is at least 18 years old and a resident of this state, for a 2-year term. The governor may not appoint a student member from the same technical college in any 2 consecutive terms. If the student member loses the status upon which the appointment was based, other than through graduation, he or she shall cease to be a member of the board.

**History:** 1971 c. 100; 1977 c. 29; 1979 c. 32; 1981 c. 269; 1985 a. 29; 1991 a. 29, 68; 1993 a. 399; 1995 a. 27 ss. 222, 9130 (4); 1995 a. 78; 1997 a. 3, 161.

A member of a vocational, technical and adult education (technical college district board) local district board cannot serve as a state board member. 60 Atty. Gen. 178.

**15.945 Same; attached board.** (1) EDUCATIONAL APPROVAL BOARD. There is created an educational approval board which is attached to the technical college system board under s. 15.03. The board shall consist of not more than 7 members, who shall be representatives of state agencies and other persons with a demonstrated interest in educational programs, appointed to serve at the pleasure of the governor.

**History:** 1997 a. 27; 1999 a. 9 s. 40g; Stats. 1999 s. 15.495; 2005 a. 25 s. 56; Stats. 2005 s. 15.945.